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ATTORNEYS FOR PLAINTIFF A.F.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

A.F.

Plaintiff,

v.

CHRISTOPHER EVANS, et al,

Defendants.

E.F.

Plaintiff,

v.

CHRISTOPHER EVANS, et al,

Defendants.

CASE NO. 2:18-cv-01404-SI

CASE NO. 2:19-cv-01056-SI

**DECLARATION OF STEVEN RIZZO IN
SUPPORT OF A.F.'s MOTION FOR
ATTORNEY'S FEES AND COSTS**

I, Steven Rizzo, hereby declare:

1. I have personal knowledge and am competent to make this Declaration in support of the Motion for Attorney's Fees and Costs.
2. Based on my dealings with Mr. Smith, I understand that for purposes of the Motion state defendants agree that A.F. is a prevailing party and acknowledge A.F.'s right to seek reasonable attorneys' fees and costs under the Stipulated Judgment (ECF 306).

1 - DECLARATION OF STEVEN RIZZO IN SUPPORT OF A.F.'s
MOTION FOR ATTORNEY'S FEES AND COSTS

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3. To facilitate the Court's review, I have included an Index, which identifies and lists each document referenced in this Declaration as an Exhibit and Appendices thereto. Each attached Exhibit reflected in the Index is a true and accurate copy of the original.

Background and experience

4. I was admitted to the Oregon State Bar in 1984. I have been actively engaged in the private practice of law for thirty-eight (38) years.

5. I am admitted to practice before the Ninth Circuit Court of Appeals, the United States District Court for the District of Oregon and the District Courts for the Eastern and Western District of Washington. I am licensed to practice in the states of California, Idaho and Washington. I have appeared and argued in courts in California and Washington and have appeared remotely in Idaho courts. I am a member in good standing in each of these Bar organizations.

6. I am a shareholder and founding member of Rizzo Mattingly Bosworth PC ("RMB"). The firm handles civil litigation in federal and state court in Oregon and Washington and it is financially stable. Since approximately 1995, I have focused a substantial part of my practice on representing plaintiffs in civil rights, consumer practices, employment, professional malpractice, and wrongful death cases.

7. I have a Martindale-Hubbell® "AV" Preeminent Peer Review Rating since 1996 and have been recognized in *Best Lawyers in America* since 2018. I am a former Chair of the Executive Committee for the Oregon State Bar ("OSB") Section on Products Liability. I have presented at Oregon State Bar CLEs on civil motions practice and Multnomah County Bar CLEs regarding evidence, psychological injury claims and trial practice. I have been appointed to serve as an Arbitrator in civil cases venued in Multnomah County. I have received a *Pro Bono Publico* Award from the Oregon State Bar and a Certificate of Appreciation from the OSB Public Affairs Program. Most recently, I presented along with Ms. Skjelset at the May 2022 Oregon Criminal Defense Lawyers Association Annual Juvenile Law Conference, discussing 42 U.S.C. § 1983 claims

arising out of juvenile dependency proceedings. Over my career, I have tried numerous cases to verdict on behalf of defendants and plaintiffs.

8. I have experience investigating and litigating foster care abuse claims against the Oregon Department of Human Services (“DHS” or “the agency”) and agents and employees thereof. For example, I was lead counsel for the plaintiffs in *A.G. et al v. Burroughs et al*, Case No. 3:13-cv-01051-AC (hereafter “*A.G.*”). In *A.G.*, my clients – 9 infant and toddlers – brought § 1983 claims and negligence claims against 19 DHS workers and DHS (“the state defendants”), alleging that they were sexually abused in the Mooney home over a period of years. All of the claims arose out of the agency’s certification and monitoring of the Mooney foster home and the permanency casework and monitoring of the plaintiffs. (*See A.G.*, ECF 148). In pertinent part, the plaintiffs alleged that Mr. Mooney was raised in an abusive, dysfunctional and incestuous household. (*See A.G.*, ECF 1 at 17-18).

9. I studied DHS’s budgets and performance “dashboards,” testimony provided by DHS officers to legislative committees, the agency’s participation in advisory and review committees. I researched prior foster care abuse lawsuits brought against DHS, particularly those alleging the agency’s failure to properly conduct required background investigations of foster care applicants and tracked the agency’s press releases and public statements in the wake of such lawsuits, always espousing a commitment to improve its investigation methods.

10. I extensively researched federal § 1983 caselaw in connection with foster care abuse litigation, *e.g.*, *Henry A. v. Willden*, 678 F.3d 391 (9th Cir 2012), and the evolution of social worker’s use of the qualified immunity defense and other pertinent legal defenses and Oregon caselaw regarding the applicability of ORS 124.100 et seq. to government workers. I also studied medical literature relating to child abuse and neglect, including sexual abuse and retained experts to testify and to inform the allegations in *A.G.*

11. As the litigation progressed, I reviewed and analyzed thousands of responsive documents relating to the evolution of DHS’s foster care administrative rules and policies. *A.G.* plaintiffs took

approximately 40 depositions, many of which involved DHS Central Office officers and managers responsible for the agency's foster care-related rules, policies and oversight, DHS Program Managers, supervisors and caseworkers, foster parent training coordinators and employees responsible to maintain the agency's OR-Kids database system.

12. I learned about DHS's foster parent recruitment methods, certification standards and the use of the Structured Analysis Family Evaluation ("SAFE") methodology to screen foster care applicants. I also familiarized myself with the agency's permanency casework and placement matching standards and Child Protective Services ("CPS") standards.

13. In June 2015, Judge Acosta denied state defendants' Rule 12 motion to dismiss all of the *A.G.* plaintiffs' § 1983 claims. In doing so, the court adopted a "persistent errors" line of reasoning, which was a case of first impression in this District:

... Plaintiffs alleged DHS and its officers exhibited a pattern of disregard of their statutory and regulatory duties, and claimed ignorance of abuse in response to lawsuits filed by the intended beneficiaries of those legally imposed duties. *The court agrees with the reasoning in Doe that repeatedly failing to comply with those legal duties gives rise to an inference of subjective awareness that satisfies the deliberate indifference standard.* This is especially true in the context of DHS's mission, which includes guarding the safety and well-being of the children committed to its care and custody. *The purpose of the foster parent certification process is to ensure to the greatest extent possible that foster children are placed with foster parents who are emotionally and fiscally stable, properly trained, temperamentally suited, and otherwise capable of caring for their young wards.*

...

Further, those requirements would be rendered meaningless if those who must satisfy them are allowed to use self-imposed ignorance as a defense to allegations of abuse. *Here, Plaintiffs claim DHS's deliberate indifference rests in part on its failure to take required steps to obtain information that is intended to inform it of the very risks that materialized in this case.* DHS's argument effectively allows it to create a defense to deliberate indifference in every case simply by not doing that which it is required to do. In other words, DHS cannot, through negligence or knowing choice, deprive itself of information it is required to obtain and then use that lack of information as a defense against a deliberate indifference allegation.

(See 2015 U.S. Dist. LEXIS 118350 *11-13 (D. Or. 2015) (citing *Doe v. N.Y. City Dep't of Soc. Servs.*, 649 F.2d 134 (2nd Cir. 1981); see also *A.G.*, ECF 322, Judge Brown's Order adopting Judge Acosta's Amended Findings and Recommendation)) (emphasis added).

14. After an approximate total of 400 filings, *A.G.* settled in April 2016 for \$15,000,000, which is a record settlement amount in a foster care abuse case in Oregon. (See **Exhibits 1, 2**).

15. Ms. Skjelset and I are currently lead counsel for plaintiffs in *J.M. et al v. Major et al.*, which was filed on April 27, 2018, in the Eugene division. (Case No. 6:18-cv-00739-YY). There, four plaintiffs (infants, toddlers and young children) allege § 1983 claims against DHS arising out of physical and sexual abuse occurring over a period of years in the Miller foster home. The plaintiffs allege and discovery has shown that Mrs. Miller was raised in an abusive, dysfunctional and incestuous household.

16. Ms. Skjelset has significant legal experience representing juveniles in both delinquency and dependency proceedings; she is very familiar with juvenile law and practice standards, the roles and responsibilities of court and counsel, and also with DHS's strategies and positions advanced in such matters. Ms. Skjelset provided valuable assistance and input in *A.G.* by performing consultation and research regarding DHS foster care policy and practice, DHS training policies, individual defendant's personnel files and training history, and preparation for DHS depositions. Ms. Skjelset also researched and identified expert witnesses. The *A.G.* settlement rested in large part on Ms. Skjelset's legal skills and her commitment to helping the children obtain justice.

17. Ms. Skjelset has played an even more central role in the litigation of this case by identifying factual and legal issues surrounding the conduct of DOJ AAG Amy Hall, Evans and Burcart in the dependency proceeding. We have attempted to coordinate tasks and assignments and thereby avoid unnecessary duplication of efforts. Ms. Skjelset, for example, participated independently conducted factual investigation and development tasks, connected with and stayed in constant contact with the client(s). She interviewed and prepared key witnesses, including experts, and prepared for and took many of the DHS depositions and Dall's deposition, revised legal briefings

and correspondence with court and counsel, and attended and participated in oral argument and status conferences on discovery matters and dispositive motions. Ms. Skjelset's attentiveness and dedication to this case played a key role in obtaining the Stipulated Judgment.

Preparation of the Statement of Legal Services

18. Exhibit 3 is a true and accurate copy of the Statement of Legal Services ("the Statement") rendered in this litigation. The Statement identifies each person who performed legal services, date of service, an explanation of the service performed, and the amount of time expended. There are separate attached sheets organized by use of initials that reflect each person's time by month and year, and a graph that shows the total number of hours worked by each person from 2016 – the year in which contact was first made with the client – to the present.

19. In preparing the Statement, I exercised billing judgment. For example, I excluded all entries that reflected tasks which this District has described as "clerical tasks," including calendaring, filing of motions, preparation of certificates of service, correspondence and templates for attorney declarations and proofreading of briefs and correspondence, and scheduling of depositions – where the scheduling was not contentious. *See e.g., Precision Seed Cleaners v. Country Mut. Ins. Co.*, 976 F. Supp. 2d 1228, 1251 (D. Or. 2013) (J. Hernandez).

20. During the litigation of this case, while I did not always enter my time on a daily basis, I reconstructed my total hours expended on this case by referencing contemporaneous emails and correspondence (including dated drafts), notations of telephone calls, memoranda (including dated drafts) to the file and agendas prepared in connection with team meetings. I also referenced contemporaneous time entries of Ms. Skjelset and the paralegals as well as memoranda to the file (including dated drafts), the motions and the pleadings, and the ECF docket, a true and accurate copy of which is attached as **Exhibit 4**. *See Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1121 (9th Cir. 2000) ("In fact, we have stated that fee request can be based on reconstructed records developed by reference to litigation files") (quoting *Davis v. City of San Francisco*, 976 F.2d 1536, 1542 (9th Cir. 1992) (internal use of quotation marks omitted)).

Requested Hourly Rates

Attorneys

21. The Oregon State Bar 2017 Economic Survey (“OSB 2017”) draws from 2016 data. Table 36 (“2016 Hourly Billing Rate by Total Years Admitted to Practice”) reflects for Portland attorneys like me – a private practitioner with over 30 years’ experience – a \$413 mean hourly rate; a \$425 median hourly rate; a 75th percentile rate of \$495 per hour; and a 95th percentile rate of \$610 per hour. Similarly, as to Ms. Skjelset, a Portland attorney in private practice with 15 years’ experience, Table 36 reflects a \$334 mean rate; a \$325 median rate; a 75th percentile rate of \$375 per hour; and a 95th percentile rate of \$460 per hour. (See **Exhibit 5**).

22. The U.S. Bureau of Labor Statistics CPI Inflation Calculator expresses that \$1.00 in December 2016 (the last month of reportable data used in OSB 2017) “has the same buying power” as \$1.21 in May 2022 (the date of settlement). Applying that inflation factor to OSB 2017 rates yields a 75th percentile rate of \$599.28 per hour; and a 95th percentile rate of \$738.51 per hour for Portland attorneys like me. For Ms. Skjelset, it yields a 75th percentile rate of \$454 per hour; and a 95th percentile rate of \$556.91 per hour. (**Exhibit 6**).

23. I believe that a \$600 hourly rate is reasonable based on my experience as well as the factual and legal complexity of this litigation and its importance to foster children (past, present and future) in the State of Oregon. I justify that rate based on the skill required to litigate against the DOJ-DHS juggernaut and the quality of the work performed in this litigation, which resulted in what I regard as an outstanding settlement for A.F.

24. I believe that a \$400 hourly rate is reasonable for Ms Skjelset based on her experience and skill, and the quality of work that she performed in this litigation. Again, Ms. Skjelset’s insight into the conduct and events of the dependency proceeding coupled with her knowledge of § 1983 caselaw played in a key role in framing the claims for relief, and in knowing what documents and information to request from DHS and where those materials were situated.

Paralegals

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25. Paralegal assistance was necessary, if not vital, to efficiently litigate this years-long civil rights case. Under § 1988, reasonable attorney's fees includes paralegal services. *See Missouri v. Jenkins*, 491 U.S. 274, 288, 109 S. Ct. 2463, 105 L. Ed. 2d 229 (1989).

26. Each of the paralegals assisted counsel to identify and seek relevant documents and information, and added insight and ideas based on their familiarity with the documents and document properties. In reviewing and summarizing voluminous discovery in this case, the paralegals assisted counsel (at lower cost) to *inter alia* identify gaps in the discovery and documents for use at depositions, prepare persuasive correspondence and exhibits for court and counsel, and for use with motions practice. This work required judgment and was not merely clerical and RMB separately bills fee paying clients for paralegal services.

27. Paralegal Kimbra Barnett ("KAB") graduated from the College of Legal Arts in 2008 and obtained her paralegal certificate. Following graduation, Ms. Barnett worked as a paralegal at two law firms in Portland from 2008 until 2017, when she became employed as a paralegal with RMB. Ms. Barnett was tasked to review and summarize medical and counseling records of A.F., E.F., and Campbell and she prepared a file memorandum.

28. Paralegal Shannon Boyd ("SB") obtained a B.A. from Oregon State University in 2010, and she obtained a paralegal certificate from Portland Community College in 2013. Ms. Boyd has been employed as a paralegal at RMB since that time. Ms. Boyd worked primarily on pre-suit matters, i.e., during the investigative phase of this case. She assisted in performing initial background internet research and in preparing tort claim notices.

29. Cheridan Carr ("CBC") obtained an M.S. in Global Affairs from Troy University in 2015 and a B.S. in International Affairs from Florida State University in 2012. She worked as a legal assistant at two law firms between 2012 and 2016. From 2017 to 2019, Ms. Carr was employed as a paralegal at two law firms in Portland and she worked for Oregon DOJ as a litigation legal assistant from 2019 to September 2021, when she became employed with RMB. In connection with the trial setting in this case, Ms. Carr reviewed and prepared page-line summaries of deposition

transcripts and exhibits for use in preparing required Witness Statements (noting that all DHS witnesses would be called as adverse witnesses), the Trial Exhibit list, and for use in examination and cross examination at trial, and transcribing Dr. Bourg's trial transcripts on an expedited basis in light of the tight expert disclosure and deposition timelines. I drew heavily on these transcripts in creating my deposition and preparing specific questions for my depositions of Bourg.

30. Nathan Rizzo ("NR1") obtained a B.S. from the University of Oregon in 2006 and an M.S. from Northwestern University in Journalism. Mr. Rizzo has been employed with RMB as a paralegal performing research and special projects since 2009. Mr. N. Rizzo was tasked to review and summarize the 10th Judicial District Survey primarily regarding the handling of juvenile dependency matters in Union and Umatilla County during times material, voluminous DHS email communications, locating and acquiring materials cited by Dr. Bourg and in transcribing her testimony (direct, cross and re-direct) in prior criminal sex abuse trials also on an expedited basis.

31. Heather Wettlaufer ("HW") obtained a B.S. from Portland State University in 2016. In 2018, Ms. Wettlaufer was admitted as a law student at Lewis & Clark Law School. Ms. Wettlaufer became employed at RMB in March 2017, and prior to that, she worked as a legal assistant at the Thomas J Wettlaufer law firm in Salem. Prior to leaving RMB to pursue her law studies on a full-time basis, Ms. Wettlaufer reviewed and summarized voluminous documents produced by Burcart, Dall, DHS, OSB and Union County DA documents, noting discrepancies and deficiencies in the productions, and tracked parties' objections and responses to subpoenas.

32. Regarding valuation, "Judges in [the Oregon] District have noted that a reasonable hourly rate for a paralegal should not exceed that of a first year associate." *Precision Seed Cleaners v. Country Mut. Ins. Co.*, 976 F. Supp. 2d 1228, 1248-49 | 2013 WL 5524689 (internal citations omitted). OSB 2017 Table 36 reflects a \$235 median hourly rate for Portland attorneys with 0 – 3 years' experience.

33. Applying the CPI inflation factor to the \$235 median hourly rate yields a comparable 2022 median rate of \$284.51 applicable to Portland paralegals. (See **Exhibit 5** at 2; **Exhibit 6** at 5).

34. In light of their respective educational and work experience backgrounds, and the tasks performed in this litigation I believe that a \$200 hourly rate is reasonable for Ms. Boyd and Ms. Barnett. Likewise, I believe that a \$225 hourly rate is reasonable for Ms. Carr, Mr. N. Rizzo and Ms. Wettlaufer in light of their higher educational achievements and work experience, and because they performed more specialized tasks that required judgment.

Hours reasonably expended

35. To assist the Court in evaluating reasonableness of the hours listed on the above Statement, I prepared the following outline, which tracks key events that occurred during the litigation. The outline is intended to demonstrate the quality of the work and the consistency of the efforts necessary to achieve the Stipulated Judgment and also weather state defendants' delay tactics and protracted litigation strategy.

36. To protect confidentiality, I refer to family members as, for example, Father, Mother, Grandfather, etc., and identify related family members by use of initials.

2016

37. I met Father on May 3, 2016 – more than six years ago. Campbell had been indicted and was awaiting trial. Father had incomplete knowledge concerning what had happened to his sons while they were in state-sponsored foster care. Therefore, it was necessary to undertake significant factual investigation in order to build a case. By the same token, the information necessary to discover Campbell's background was always at DHS's fingertips – as well in the agency's child welfare files.

38. A.F. and his family live in a small trailer park in La Grande. They lack financial assets. I took the case on a contingency fee basis, the particulars of which are referenced in my August 28, 2020 Declaration in Support of the Motion to Approve Settlement with Burcart/Dall. (ECF 163).

39. To protect the time, we prepared OTCA tort claim notices on behalf of A.F. and E.F. on August 10, 2016, which were delivered to the Oregon Department of Administrative Services

(“DAS”). Attached as **Exhibit 7** is a true and accurate copy of DAS’s November 1, 2016 response, which states as follows:

We have completed our investigation . . . We did not find any wrongdoing by the staff of DHS that resulted in harm to [A.F.]. The placement was *a family placement with the endorsement of family, including both parents and his grandparent. A full background check was completed per policy for Mr. Campbell and no issues were found.*

...

We do not find negligence on the part of the State of Oregon, its officers, agents, or employees. (emphasis added).

2017

40. Campbell’s criminal trial was set for July 2017. We monitored the docket and planned to attend trial as because the testimony as well as a conviction would offer certain probatory advantages, e.g., issue preclusion. However, shortly before his trial, Campbell committed suicide.

41. Ms. Skjelset proceeded to interview family members about the so-called “family placement,” locate extant documents relating to Campbell and the juvenile dependency proceeding initiated by DHS, contact attorneys to obtain information about the proceeding, and contact the Union County District Attorney’s Office to discuss Campbell’s criminal history and prosecution.

42. As time progressed, our investigation revealed that Campbell was raised in an abusive, dysfunctional and incestuous home, where he, along with other siblings, was emotionally, physically and sexually abused. Our investigation revealed that DHS had followed its dangerous pattern of failing to adhere to certification standards and comport with SAFE methodology. Moreover, it showed that DAS’s basis for denying the claim was false or made in reckless disregard of the truth. In my experience, this is not uncommon because the DOJ-DHS juggernaut invite protracted litigation. (ECF 194 at 8-10).

43. We continued our efforts to locate the boys’ juvenile law attorney, Janie Burcart (who had retired in April 2014), and inspect the client file for evidence regarding (i) Burcart’s contacts with the boys; (ii) her communications with DHS and (former) DOJ AAG attorney Amy Hall (who

represented DHS in the dependency proceeding) and Campbell; and (iii) other counsel in the dependency proceeding as well as third parties, e.g., counselors, CASA, etc. A.F. made multiple requests to inspect the client file from Burcart. (*See e.g.*, ECF 43 at 2-4).

2018

44. A.F. filed the Complaint on July 26, 2018. In summary, A.F. alleged § 1983 claims against Evans and Turner as well as state law claims for abuse of vulnerable persons; a § 1983 state actor claim and legal malpractice claim against Burcart; and a negligence claim against DHS. All of the claims arose out of Campbell's certification and the conduct of the dependency proceeding initiated by DHS – a common core of facts. Further, A.F. alleged that all defendants were jointly and severally liable. (ECF 1). The pleading was comprehensive. No defendant was tempted to file any Rule 12 motions.

45. DOJ dispatched three senior AAGs to defend Evans, Turner and DHS ("state defendants"): James Smith, Eleanor Chin and Jill Schneider. The Oregon Professional Liability Fund ("PLF") retained Nikola Jones and Katie Eichner to defend Burcart.

46. A.F. served discovery requests on state defendants, seeking (i) the certification files and OR-Kids electronic records regarding ("provider") Campbell and Grandparents; (ii) OR-Kids casenotes regarding A.F./E.F.; (iii) Child Protective Services ("CPS") assessment of Campbell's abuse of A.F.; (iv) DHS child welfare history records of Campbell's family of origin, Mother and Father; and (v) electronically stored information ("ESI") involving Campbell, Evans and Turner, Hall and Burcart. A.F. also served discovery requests on Burcart, seeking the client file, her relevant ESI and related materials.

47. Discovery of the client file related to all defendants who participated in the alleged constitutional violations. Likewise, that file contained evidence of the events in the dependency proceeding, which also related to all defendants who were jointly and severally liable, allegedly.

48. In her Answer, Burcart denied liability and alleged failure to state a claim, i.e., she was not a § 1983 state actor. (ECF 10). Burcart objected to A.F.'s discovery requests and served multiple

discovery requests (interrogatories and requests for production) on A.F. State defendants moved to dismiss A.F.'s vulnerable persons claims against Evans and Turner. Judge Sullivan dismissed those claims on December 3, 2018. (ECF 19, 20).

2019

49. A.F. served subpoenas on numerous third parties to obtain the following categories of documents: (i) A.F.'s counseling, educational, medical and sports records that were being requested by defendants; (ii) Campbell's educational, employment, financial, housing, jail, medical and mental health history records, and police reports – all of which were available to DHS when Campbell was certified in 2013 and later appointed as guardian in 2014; and (iii) ESI from Campbell, Burcart and Rick Dall (who later substituted as counsel for Burcart in the dependency proceeding) Burcart subpoenaed family members, including Aunt, Father and Grandfather; and she subpoenaed Grandfather's attorney (Glen Null), and CASA.

50. Our private investigator located an Oregon State Police report regarding Campbell's 2010 DUII, which reflected his attempted suicide. Campbell had tried to kill himself by drinking antifreeze and ingesting copious amounts of medications. Campbell pled guilty and was represented by Dall. A.F. also learned that at times material, Dall, Burcart and Victoria Moffet (Mother's attorney) were members of the Grande Ronde Defenders ("GRD") consortium, which Dall managed.

51. A.F. subpoenaed Dall, seeking documents regarding his representation of Campbell, and his communications with A.F. and E.F. (who had no memory of him), Burcart and DHS. Upon discovering that Dall maintained separate email accounts, we subpoenaed his internet service providers to obtain relevant ESI. The PLF retained Burns attorneys, Bruno Jagelski and Zach Olson to represent Dall, which raised the number of defense lawyers to eight. Dall objected to the subpoenas for email communications. Whether by design or coincidence, his internet providers also objected and retained counsel to argue objections based on federal communications laws.

52. A.F. subpoenaed GRD in June 2019. The PLF retained Xin Xu to represent GRD, who also objected to A.F.'s subpoena. Then there were nine opposing attorneys.

53. In April 2019, the court abated the case as against state defendants for 120 days due to DOJ defense counsel's health status, which was unopposed. (ECF 38). Over Burcart's objection, the court permitted A.F. to continue discovery of Burcart and third parties.

54. E.F. filed his lawsuit on July 5, 2019. (ECF 1, Case No. 2:19-cv-01056). The location of the client file proved vexing, such that on July 16, 2019, the court ordered that "Burcart, Da[ll], and defense attorneys – hav[ing] any knowledge of the location of the original client file . . . should search for it to and produce it." (**Exhibit 8**).

55. The parties agreed to consolidate the cases for discovery purposes on August 2, 2019 (ECF 70). DHS produced responsive documents to A.F., including DOJ-DHS "certification staffings" relating to Grandparents and Plaintiffs. A.F. notified DOJ (twice) of an apparent inadvertent waiver of the staffings on August 27, 2019, and September 10, 2019. (ECF 156). The court lifted the partial abatement on September 17, 2019, and set discovery and dispositive motions deadlines. (ECF 83).

56. A.F. continued to make repeated efforts to discover the client file from Burcart and Dall and their relevant ESI. State defendants took no action to seek the client file.

57. A.F.'s efforts were fraught with objections. For example, Burcart and Dall collaborated on withholding the file; Burcart created a faux copy of the client file and represented to A.F. that it was her "original" file; she created a faux heavily redacted copy of her phone records, claiming (without supporting authority) that A.F. had the burden to provide her with numbers to search because her "clients'" numbers were privileged. Burcart claimed that her hard drive was destroyed and then recanted, failed to search all of her devices and her iCloud account, and failed to account for a strangely incomplete text message with Campbell after she retired, etc. This course of conduct persisted for months.

58. On August 30, 2019, I wrote to the court to address these recurring discovery issues. Following my request to depose Nikola Jones as a fact witness regarding the whereabouts of the client file and hold an evidentiary hearing, Burcart abruptly announced on September 6, 2019, that her paralegal found the original file in the firm's "safe" – where original client documents are stored.

59. Our investigator discovered that Burcart had multiple communications with Campbell (on his cell) prior to his interview with police in January 2016 and following his arrest and indictment for the sexual abuse of A.F. Burcart also appeared to have communicated with Campbell's criminal defense lawyer, Dean Gushwa and Union County DA (Chris Storz), and that she was trading text messages with Moffet, encouraging her to speak with and advise Campbell regarding his criminal case. Relatedly, A.F. discovered that Campbell was placing multiple calls to the La Grande DHS office during this same period.

60. A.F. subpoenaed Gushwa to obtain a copy of a statement(s) that Burcart gave to an investigator (Mary Melton) to undermine A.F.'s disclosure and support of Campbell's defense. PLF retained Salem lawyer John Pollino to represent Gushwa, and Pollino objected to the subpoena. PLF retained Bend attorney, Nathan Steele, to represent Moffet (who had previously agreed to be deposed) and Steele objected to making Moffet available for deposition. These objections required multiple additional conferrals and ultimately discovery motions.

61. Ms. Skjelset deposed Dall/GRD on October 25, 2019. The deposition provided evidence of Dall's negligence and led to multiple additional conferrals regarding the sufficiency of Dall's ESI production. Our review of DHS's certification files implicated certifier Susan Lemon. I began to prepare an amended pleading to add claims against Lemon and Dall.

2020

62. I wrote to the court on January 3, 2020, seeking a status conference to again address Burcart's discovery conduct. State defendants served A.F. with 30 Interrogatories on January 14, 2020 and a request for production on January 15, 2020.

63. At the January 16, 2020 status conference, Judge Sullivan ordered that Burcart “shall produce all records . . . including phone records and all records that relate to Mr. Campbell and any information on any devices to the extent that the information can be extracted. These records shall be provided two weeks before the deposition.” Over Burcart’s objection, the court also ruled that Plaintiffs could have up to 14 hours to depose Burcart. (ECF 106).

64. I filed the Amended Complaint on January 17, 2020, alleging a § 1983 claim against certifier Lemon, a breach of fiduciary duty claim against Burcart and a negligence claim against Dall. (ECF 109).

65. State defendants and Burcart coordinated the filing of their respective Answers on the same day, January 31, 2020. All defendants denied liability. State defendants affirmatively alleged qualified immunity and limitations defenses and Burcart affirmatively alleged that she was not a state actor. No defendant mentioned the other’s comparative fault, presumably in light of alleged joint and several liability. (ECF 121, 122).

66. I deposed Burcart on February 18, 2020. State defendants had no questions for her. We served interrogatories on state defendants on February 21, 2020, inquiring about the bases for their affirmative defenses.

67. Dall evinced interest in settlement. The parties wrote to the court on February 26, 2020, to request a settlement conference. State defendants objected to participating in a settlement conference while discovery was pending. Plaintiffs asked the court to not stay the case given its age and the fact of the prior 120 day abatement. At the February 28, 2020 status conference, the court stayed discovery pending the conference, and allowed Plaintiffs to depose Evans and Turner, who were noticed for early March. (ECF 135).

68. Ms. Skjelset deposed Evans on March 3, 2020 (just prior to COVID-19). Evans knew that Campbell had been sexually abused as a youth, he permitted Campbell to sleep in his bed with A.F. and he admitted that he and Burcart had agreed to “ensure” that A.F. and E.F. would never appear in court. Evans knew Campbell used physical discipline (which violated DHS policy) and

that he (Evans) failed to make a hotline report in response to a school official's report that Campbell was holding A.F. down and spanking him. (ECF 194 at 16-19, 23-25). Burcart/Dall had no questions for Evans.

69. I deposed Turner (Round 1) on March 4, 2020. She testified that she had "agreed" with Evans and Burcart to keep the boys out of court. She also admitted that she knew the family had withdrawn support for Campbell, and that the Campbell guardianship was not the "family's plan," which she knew was false. (ECF 194 at 21). Burcart/Dall remained silent during Turner's deposition.

70. Dall and Burcart jointly offered to settle on a PLF "wasting" policy limit with Plaintiffs on March 17, 2020. Concerned about the delay caused by state defendants to commit to a date certain for the settlement conference, I wrote to the court on March 27, 2020, and April 6, 2020, requesting the court to reinstate discovery and set discovery deadlines and a trial date. (**Exhibit 9**). On April 8, 2020, the court declined to lift the stay. (**Exhibit 10**).

71. The Court held the first settlement conference via ZOOM on May 26, 2020. State defendants made no offer and were excused from the conference. With the Court's ongoing involvement, Plaintiffs settled with Burcart/Dall.

72. Exuding confidence in their qualified immunity defenses – notwithstanding the deposition testimony – state defendants demanded to depose A.F., E.F., and Father. After we arranged to make A.F. available for deposition, state defendants objected to allowing us to defend the deposition in person. The court overruled that dilatory objection at the June 16, 2020 status conference. (ECF 149).

73. Ms. Skjelset deposed DHS certifier Lemon on June 17, 2020. Lemon reported to Turner. Lemon testified that she did not know that Campbell was sleeping with A.F. and testified that it was a "pretty serious certification violation." Lemon signed Campbell's SAFE home study, verifying that the family had withdrawn its support for Campbell for "reasons unknown to this certifier." That verification was false because Lemon knew the reasons, which included concerns

about Campbell's sexual boundaries, suicidal ideation, mental health, physical health, and his lack of parenting experience, financial resources and truthfulness. (ECF 194 at 20). So, either DHS misrepresented facts or presented false evidence to DAS to feed its denial of the claim and invite protracted litigation.

74. From my perspective, there was little question following the depositions that state defendants had acted with deliberate indifference in certifying Campbell, promoting his guardianship and ignoring the family's concerns.

75. State defendants deposed E.F. on July 21, A.F. on July 22, and Father on July 23, 2020. State defendants made A.F. recount – in detail – how Campbell sexually abused him. That interrogation was embarrassing and unnecessary because A.F. had endured a contemporaneous, videotaped interview by the Mt. Emily Safe Center, the local child abuse assessment center. Also, DHS CPS worker (Tierra Wright-Simmons) attended the interview and founded Campbell's sexual abuse.

76. Turner signed state defendants' response to A.F.'s interrogatories on June 25, 2020 (after she was deposed). DOJ counsel refused to make her available for deposition regarding the responses, which required A.F. to again seek relief from the court.

77. A.F. deposed Cynthia Russell, A.F.'s counselor at the Center for Human Development ("CHD") on July 24, 2020. Russell testified that DHS never made her aware of Campbell's child welfare history, his history of suicidal ideation and multiple suicide attempts, which presented a safety risk to children in his care and which she was unable to assess.

78. E.F. moved to determine waiver of privilege regarding the above DHS-DOJ staffings on August 17, 2020. (ECF 156).

79. At the September 14, 2020 status conference, the court permitted A.F. to depose Turner regarding her interrogatory responses. (ECF 169). The court mooted pending discovery motions pertaining to Moffet and Gushwa in light of the Burcart/Dall settlement. (ECF 170).

80. I deposed Hall on September 15, 2020. Hall joined Burcart's characterization of Grandfather as a "saboteur" of DHS's fantasy "family plan" and she regarded A.F.'s family as "a bunch of D-bags." (ECF 213, n.3 at 5).

81. Following the court's approval of the partial settlement on September 21, 2020, (ECF 170), A.F. moved in accord therewith to amend the pleadings to delete claims alleged against Burcart/Dall on September 30, 2020. (ECF 174). State defendants objected.

82. On October 1, 2020, the court ruled that state defendants waived privilege to the above DHS-DOJ staffings. (ECF 178). The waiver implicated DOJ AAG John Anderson, DOJ's statewide supervisory attorney for certification and dependency matters, and DHS Foster Care Coordinator Billy Cordero (who is a named defendant in *J.M.*).

83. Plaintiffs deposed Turner (Round 2) on October 2, 2020. Turner admitted that Lemon falsely "verified" her apparent lack of knowledge of the family's concerns about Campbell in Campbell's SAFE home study – which Turner herself had signed and verified. (ECF 192 at 14-15). That testimony did not motivate state defendants to get busy resolving the case. With fact discovery closed, state defendants opposed A.F.'s motion to amend the pleadings on October 14, 2020. Their motion announced Burcart/Dall's comparative fault. (ECF 181).

84. The parties filed cross motions for summary judgment on October 19, 2020. A.F. moved for summary judgment against the qualified immunity defenses and separately moved for summary judgment on the limitations defense. (ECF 190). The factual and legal issues were complex, which required substantial briefing. A.F.'s 38 page motion was supported by my Declaration, which referenced 31 exhibits that totaled 535 pages. (ECF 190 and 192). Evans, Lemon and Turner moved for summary judgment on qualified immunity. Their motions relied on self-serving Declarations by Evans and Lemon – which omitted reference to their damaging deposition testimony – and failed to cite both *A.G.* and *Henry A.* State defendants did not move for summary judgment on their limitations defense, yet failed to concede it. (ECF 185).

85. Plaintiffs deposed Turner (Round 3) on November 3, 2020, regarding her responses to A.F.'s interrogatories, which the court permitted. However, DOJ counsel instructed Turner not to answer questions about what she did to prepare her responses, which required yet more briefing and argument.

86. A time-bomb exploded on November 10, 2020: State defendants produced a privilege log, showcasing 315 withheld communications and case notes. State defendants also produced a pivotal May 13, 2013 email exchange between Burcart and Evans, demonstrating that Evans was aware that Burcart intended to substitute her judgment in place of the boys' express wishes about where they wanted to live. No cogent explanation was ever offered for these inexcusable and vexing delays. (**Exhibit 11**).

87. It took until late November 2020 to complete the preparation and filing of Responses to state defendants' summary judgment motions and Reply briefing. In addition, given Evans's attempt to recreate the facts of the case, prepared LR 56-1 Evidentiary Objections. (*See* ECF 208, 209 and Exhibit 1 thereto; 212, 213, and 214).

2021

88. I wrote to the court again on January 1, 2021, seeking a status conference to review DOJ's tardy privilege log and objections to Turner and furnished a detailed letter to the court regarding the issues on January 11, 2021. (**Exhibit 12**).

89. At the January 13, 2021 status conference, Judge Sullivan sanctioned state defendants, ordering that they "shall produce all unredacted documents listed in the privilege log within 15 days." The court allowed Plaintiffs to supplement their respective summary judgment motions with non-privileged materials, granted A.F.'s motion to amend the pleadings to dismiss claims against Burcart/Dall, and ordered Turner to answer the deposition questions. (ECF 218). The court further admonished DOJ counsel as follows:

THE COURT: Okay. Now, what I think is going to be required here, we have -- a week from now we have an oral argument. And the issues involved in the oral

argument are *the statute of limitations, which in my mind is a fairly weak defense for the defendant . . .*

. . . the other issue of some consequence are the issues of deliberate indifference with regard to (indiscernible) and the issue of qualified immunity with regard to the individuals.

Now, I will say this: These cases have been cited in your briefing. One is Judge Acosta's case, *AG v. DHS*, and the other one is a Ninth Circuit case, *Henry A. v. Willden* . . . And you [Plaintiffs] have cited those cases, so I don't need to give you the citations.

...
THE COURT: Okay. Now, I admonish you both [DOJ AAGs Smith and Chin] to read those two cases because I've read the briefing that you've already submitted and, frankly, from where I sit right now, I don't think -- *I don't think defendants have a very strong case on qualified immunity. I think this case is going to go to trial.* That's -- that's after I look at your amended briefing and fully study all the cases that you cite and hear your oral arguments. I, at this point -- and I could change my mind. I, at this point, am inclined to allow plaintiffs to go forward with their case.

You know, *this is a real tragic case. I've looked at the facts, I've looked at the issues, and I'm frankly quite disappointed in the state's behavior and in the way the litigation has been conducted.* But I'm not trying to prejudge the motions. But when I see a case that is in this posture, I think it's only fair for me to tell you how I am going to be inclined to rule. (**Exhibit 13**) (emphasis added).

90. On January 25, 2021, DOJ inquired by email whether Plaintiffs would be “interested” in having another settlement conference. After an email exchange on February 3, 2021, Ms. Mitchell and I arranged to speak with Mr. Smith on February 19, 2021.

91. The purpose of the call was to gauge state defendants’ renewed interest in settlement and discuss ways to ensure a meaningful conference. For example, we proposed to exchange settlement figures in advance of another conference, but were told by Mr. Smith that the State does not operate that way. We proposed then to contact the Court, thinking that the Court could assist in determining whether another conference with state defendants would make sense. Mr. Smith was not inclined to do that either.

92. It seemed that state defendants were trying to draw Plaintiffs into another settlement conference without providing any information about their settlement range or objectives, and I did

not want to have A.F. experience another disappointment. Under the circumstances, I subsequently advised Mr. Smith via email that I did not believe that another settlement conference would make sense. I believe that Ms. Mitchell advised likewise.

93. We filed A.F.’s Second Amended Complaint (“SAC”) on March 1, 2021, which became the operative pleading. (ECF 222). We filed A.F.’s his supplemental summary judgment motion on March 2, 2022, arguing that the May 13, 2013 email between Evans and Burcart showed how they worked “to jointly sell to the court DHS’s plan (disguised as the ‘family’s plan’) to place the boys with Campbell against their will and . . . ensure [A.F. and E.F.] were not at court.” We also highlighted another unprivileged May 13 email in which Program Manager Chris Black boasted that “Derric is still our guy and the court can’t make us do a lateral move.” Amazingly, Black sent that email well prior to the completion of Campbell’s SAFE home study and evidenced his disregard for the court’s authority. (ECF 223 at 4-5).

94. State defendants’ filed their Answer to the SAC on March 15, 2021, newly alleging Burcart/Dall’s comparative fault. (ECF 227). State defendants moved to compel the parties to attend another settlement conference on March 18, 2021. In support of the motion, Mr. Smith declared that “[c]ounsel for the parties have had some discussions about a settlement conference, but neither plaintiff agreed to participate.” (ECF 228, ECF 229). Within hours of its filing, the court granted the motion to compel. (ECF 230). Concerned about Mr. Smith’s portrayal, I wrote to the court on March 19, 2021, to memorialize what Plaintiffs had discussed on the February 19 call with Mr. Smith. (**Exhibit 14**).

95. I filed a motion to strike the comparative fault defense on April 2, 2021. (ECF 236).

96. The parties attended the May 12, 2021 settlement conference with the Court. State defendants made a paltry offer and the case did not settle. From my standpoint, state defendants were seriously undervaluing A.F.’s claims, especially given Judge Sullivan’s admonishment, and wanted to try the case.

97. Dispositive motions were argued on May 26, 2021. A.F.'s motion to strike the comparative fault defense was not heard because Mr. Smith was unprepared to argue. So, the court indicated that it would rule on that motion without argument. (ECF 245).

98. On September 17, 2021, Judge Sullivan ruled on the parties' summary judgment motions. Applying *Henry A.* and Judge Acosta's persistent errors reasoning in *A.G.*, the court dismissed the qualified immunity defenses. The court also dismissed the limitations defense. (ECF 253). While the court denied the motion strike, it granted A.F. leave to seek additional limited discovery to probe the tardy comparative fault defense. (ECF 254).

99. A.F. moved to compel the additional limited discovery on September 21, 2021. (ECF 255). However, Judge Sullivan retired, and the case transferred to Judge You. (ECF 259). Judge You granted A.F.'s motion to compel on October 20, 2021 (ECF 263) and the case next transferred to Judge Simon. (ECF 264). A.F. served supplemental interrogatories, as permitted, on October 26, 2021, which were directed at how Burcart/Dall's newly alleged comparative fault impacted (if at all) DHS's ability to properly certify Campbell.

100. A.F. moved to compel the depositions of Anderson and Cordero regarding the non-privileged DOJ-DHS staffings on November 22, 2021. (ECF 268). Black signed state defendants' Response to A.F.'s supplemental interrogatories on December 1, 2021. Black's answers were ambiguous. I sought clarification and requested (repeatedly) to depose Black. Judge Simon granted A.F.'s motion to compel the depositions of Anderson/Cordero on December 7, 2021. The court set the expert discovery schedule and indicated that it was prepared to set a trial date. (ECF 271).

2022

101. On February 7, 2022, the parties exchanged expert witness disclosures. As to liability, A.F. disclosed certification expert Jan Butts, LCSW-C, who opined that Lemon and Turner had grossly misapplied the SAFE home study methodology and that Campbell was unfit to safely parent. (**Exhibit 15**). State defendants offered no expert testimony to support certification, much less DAS's false assertion that "*A full background check was completed per policy for Mr. Campbell*

and no issues were found.” As to damages, A.F. disclosed Dr. Lee, who performed a psychological evaluation of A.F. State defendants in turn disclosed Wendy Bourg, Ph.D., a memory “expert” who did not examine A.F. I requested to depose Bourg and inspect her file, which also was met with pushback.

102. Black signed state defendants’ amended interrogatory response regarding comparative fault on March 17, 2022. His convoluted response deserves brief mention as follows:

INTERROGATORY NO.11: Explain how each allegedly negligent act or omission [of Burcart and/or Dall] in response to Interrogatory NO. 10 impacted or interfered with ODHS’ certification of Derric Campbell.

RESPONSE: Assuming ‘impacted or interfered’ with in #11 means to hinder, defendant ODHS responds to #11 as follows: . . . For alleged negligent acts or omissions which predated or coincided with the certification, *if the acts* of the lawyer defendants *prevented* ODHS from receiving accurate and complete information, those acts *hindered* the certification process. *But ODHS cannot describe the exact manner* in which the lawyers’ actions hindered certification *without speculating or guessing* as to what information would have been *received had the lawyers not been negligent*. Neither can ODHS speculate as to how the lawyers’ interactions with their respective clients impacted the accuracy or completeness of the information ODHS received. **(Exhibit 16)** (emphasis added).

103. In translation, state defendants could not muster a single fact to support their eleventh-hour comparative fault defense.

104. At state defendants’ urging, the Court held another settlement conference in Portland on March 21, 2022, in which the parties appeared in person. State defendants were again frustratingly unserious and the case did not settle. (ECF 273). On March 22, 2022, Judge Simon entered an order setting a trial scheduling conference for April 18, 2022. (ECF 274).

105. I deposed AAG Anderson on April 1, 2022. At deposition, DOJ presented Anderson as an accidental tourist with significant memory issues concerning the “advice” that he dispensed to DHS during the nonprivileged DOJ-DHS staffings. He could not remember, for example, stating on November 11, 2013, that Grandfather was “underhanded.” When shown that he had Burcart’s and Hall’s collusive email exchanges in advance of that staffing, Anderson proceeded to disavow

expertise in the juvenile law practice standards respectively applicable to Burcart and Hall – even though he manages the DOJ AAGs who regularly appear in dependency proceedings in Eastern Oregon. (**Exhibit 17** at pgs. 21, 50-51, 69, 103-109). Anderson did not recall advising Lemon “to finish going through the SAFE Home Study and the Desk Guide Ratings.” Notwithstanding another entry in the staffing notes, stating that: “If there is a SAFE Home Study available, AAG John likes to use it as an exhibit at the hearing, it is very powerful evidence,” Anderson disavowed his knowledge of SAFE. It was also shown that Anderson had recently spoken with Black in advance of his deposition, but Anderson claimed that they did not discuss this lawsuit, Anderson’s deposition or Black’s recent responses to supplemental interrogatories, etc. (*Id.* at pin cite 50, 51, 106, 109).

106. A.F. moved for partial summary judgment against the comparative fault defense on April 4, 2022. (ECF 278). On April 18, Judge Simon set a trial date for August 22, 2022 and entered a comprehensive Trial Management Order. (ECF 274, 281).

107. I deposed Dr. Bourg on April 22, 2022 (continued on May 4, 2022).

108. Since 2013, Bourg has testified primarily in criminal cases on behalf of sex abuse defendants similarly situated to Campbell. Based on my review of her trial testimony and cited works, Bourg is called primarily to critique child abuse center-based interviews and otherwise create (“reasonable”) doubt about the victim’s disclosure and/or memory of the abuse. However, Bourg never watched Mt. Emily Safe Center’s contemporaneous, videotaped assessment of A.F., nor did DOJ counsel see fit to provide her with the DHS CPS founded abuse assessment of Campbell.

109. Bourg did not read the pleadings or the court’s order on dispositive motions, and she did not know who the parties were. She did not read the police reports or the defendants’ depositions, and she was never asked to examine A.F. Bourg never read Campbell’s child welfare history or his Campbell certification file, and she was not aware that Evans (who donated dishes, pots, pans and a shower rod, etc., to Campbell because he was homeless) permitted Campbell to sleep with

A.F. in his bed. Bourg ultimately conceded that she could not opine on A.F.'s (or E.F.'s) psychological condition to a reasonable degree of medical certainty. (See **Exhibits 18, 19**).

110. It was readily apparent that DOJ retained Bourg simply to undermine A.F.'s credibility, and attack his family's character – just as the Hall and Burcart duo had done in the dependency proceeding. For example, Bourg claimed that the boys “were motivated to re-write history . . . the family biased [Plaintiffs] against [Campbell] to enhance their motivation to live elsewhere” (Opinion E) and that “role modeling of lying to authorities . . . interferes with moral development and particularly undermines appreciation of the obligation to tell the truth (Opinion G),” citing a dated work entitled “Boys who lie.” (**Exhibit 20**).

111. Bourg was on a collision course with a forthcoming *Daubert* motion to exclude her testimony at trial. See e.g., *Garcia v. Los Branos Unified Sch. Dist.*, 490 F.2d 907, 912-13 (9th Cir. 1973) (“Credibility . . . is for the jury – the jury is the lie detector in the courtroom”); cf., *State v. Milbradt*, 305 Or 621, 628-29 (1988) (“We have said before, and we will say it again, but this time with emphasis -- we really mean it -- *no psychotherapist may render an opinion on whether a witness is credible in any trial conducted in this state*”) (emphasis in the original).

112. On April 27, 2022, Judge Simon reaffirmed that August 22 trial would take place in Portland. (ECF 289). State defendants objected, claiming that the case had to be tried in Pendleton. Judge Simon overruled the objection and allowed the parties to reopen discovery to perpetuate remote witnesses if necessary. State defendants blustered that they were going to perpetuate upwards of nine witnesses who resided in Union County. However, state defendants failed repeatedly to identify these witnesses or provide available dates for the depositions.

113. Plaintiffs served their expert rebuttal witness disclosures on April 28, 2022. Drs. Freyd, Lee and Green challenged Bourg's foundation and methodology, questioned her adherence with relevant professional standards, and disputed her opinions on credibility. These opinions were going to play a role in A.F.'s *Daubert* motion. State defendants proffered no rebuttal expert.

114. Judge Simon granted A.F.'s partial summary judgment motion on May 16, 2022, dismissing the comparative fault defense. In summary, the court rejected state defendants' argument that A.F.'s prior malpractice allegations (which were merely legal conclusions) established a genuine issue of material fact, noting also that state defendants managed to ignore allegations in the SAC alleging that Evans, Lemon and Turner were acting in concert with Burcart and were therefore jointly and severally liable. (ECF 295). At that point, there were no more places for state defendants to run around in.

115. Invigorated, state defendants contacted the Court on May 18, 2022, to broach the idea of settlement for the fourth time. Shortly thereafter, again with the Court's assistance, the parties reached consensus on the terms set forth in the Stipulated Judgment, including the amount of the judgment which vastly outpaces any of the prior settlement offers. I believe that successfully vindicating A.F.'s civil rights and restoring a measure of honor to the family – that tried in vain to warn DHS about Campbell – is a significant achievement.

116. Litigating this case against the DOJ-DHS juggernaut required intensive and persistent factual development, discovery, and briefing. This case not only commanded a significant investment of time by myself and Ms. Skjelset, but it also required a significant amount of costs advanced, which drained the firm's limited financial resources.

Cost Bill

117. The Cost Bill is attached as **Exhibit 21**. In accord with 28 U.S.C. § 1924, I verify that the items reflected in the Cost Bill are correct and were necessarily incurred in this litigation, and that the services for which fees have been charged were actually and necessarily performed. RMB normally charges its fee-paying clients for the items reflected on the Cost Bill.

118. The Cost Bill reflects costs incurred for photocopying documents that were used to prepare exhibits and attachments to correspondence to court and counsel, depositions, and motions, including discovery motions and dispositive motions. RMB normally bills fee paying clients for copy costs. In particular, with the arrival of COVID-19 and attendant restrictions, the depositions

that were taken subsequent thereto were conducted via ZOOM. This meant that RMB had to prepare exhibits in house for shipment and delivery to the deponents, or provide a local copy service with an electronic link to exhibits, which would the create deposition notebooks to be delivered to the deponents, frequently at their homes.

119. The Cost Bill reflects costs incurred for deposition transcripts that were taken both by A.F. and state defendants. A.F. uniformly noted that his depositions would be videotaped and reported and all such depositions were attended by a court reporter and videographer. State defendants did not object to any Notice of Deposition regarding the manner of recording. I necessarily obtained transcripts of these depositions for use in this litigation. For example, I cited and attached multiple excerpts of testimony provided by named Defendants Evans, Lemon and Turner and many other DHS employees and/or representatives (e.g. Cordero, Graffunder, Hall, Jones, Leavitt, Simons) in connection with dispositive motions. I also referenced deposition testimony and attached excerpts thereof in connection with letters to the court regarding discovery issues. (*See Exhibit 11*).

120. The Cost Bill also reflects costs incurred for travel, lodging and meals. These costs were incurred in connection with travel for the purpose of conducting witness interviews and attending depositions. As such, these costs were reasonably and necessarily incurred.

121. **Exhibit 22** is a series of invoices that submitted by private investigator Kara Lynn Beus. I have filed Exhibit 22 under seal to protect the confidentiality of persons referenced therein and the work product undertaken. Again, the items reflected are correct and were necessarily incurred in this litigation, and the investigative services for which the fees have been charged were actually and necessarily performed. I normally charge the firm's fee-paying clients for such investigative services in cases such as this, which warrant the services of a private investigator.

122. Ms. Beus is a licensed private investigator in the state of Oregon with over 29 years of experience. Ms. Beus worked as an investigator and mitigation expert assisting on dozens of Aggravated Murder, Murder and attempted Murder cases in federal and state court, dating back to 1995. Ms. Beus has assisted on dozens of Federal Court cases including but not limited to murder,

espionage, white collar crime, and complex drug conspiracy cases. Ms. Beus has also assisted and testified in drug conspiracy, tax evasion, civil rights, dependency and employment cases.

123. I have worked with Ms. Beus on numerous cases since 2007 and I regard her work as professional and proficient. The investigative work and tasks performed by Ms. Beus were reasonable and necessary. For example, Ms. Beus participated in interviews with A.F. and E.F. and with multiple paternal and maternal family members. Based on these interviews Ms. Beus researched, located and interviewed other witnesses, many of whom were reticent to come forward.

124. Ms. Beus investigated Campbell's family of origin and contacted victims abused by men Campbell's mother bedded in her home when he was a child. Ms. Beus researched and uncovered that two men, one of whom was Campbell's stepfather, who were convicted child sex offenders with lengthy criminal and mental health histories dating back to Campbell's early childhood. Ms. Beus located voluminous court records and police reports relevant to these men. Ms. Beus also researched, located and interviewed witnesses concerning the multi-generational history of child sexual abuse, drug abuse and mental health issues that began when Campbell's mother was a small child.

125. Ms. Beus researched and investigated Campbell. She located employers, housing records, jail records, victim's assistance records and numerous social media profiles. Ms. Beus investigated the extensive mental health history of Campbell, including witness interviews concerning his multiple suicide attempts as a teenager and adult.

126. Ms. Beus located police reports, including Campbell's 2010 DUII and suicide attempt. She researched relevant court records and obtained FTR audio of court hearings – at which Dall represented Campbell. Ms. Skjelset played key portions of the audio recording of Campbell's DUII sentencing during Dall's deposition in an effort to refresh his memory and question why he did not seek a conflict waiver before purporting to represent that the boys preferred guardianship with Campbell, without ever having met with boys in person.

127. Ms. Beus researched DHS caseworkers, DHS supervisors and DHS certifiers involved in this matter including extensive background and social media profile research. She listened to the FTR audio recordings of the dependency proceeding, which assisted in identifying critical statements (and omissions) by Evans, Burcart and Hall and identifying other helpful witnesses.

128. Ms. Beus researched Burcart and Dall. I also tasked Ms. Beus with reviewing their CLE histories including obtaining the educational materials of the CLE's they both attended leading up to and during their representation of A.F and E.F. Ms. Beus assisted in the review of records subpoenaed related to both Burcart and Dall's indigent defense contract, caseloads and standards; and she obtained and reviewed their respective bar files and complaint history.

129. Ms. Beus also assisted in the review and analysis of voluminous emails produced in discovery relating Burcart's communications with Evans, Hall and other DHS personnel and third parties. Ms. Beus examined Burcart's voluminous (tiny print and heavily redacted) phone records, ultimately finding the call/text sequence that occurred between Campbell and Burcart (with multiple different numbers over a two-year period) as well as Campbell's multiple calls to DHS following his arrest for the sexual abuse of A.F.

130. Ms. Beus spent considerable time examining and comparing multiple conflicting copies of the client file which Jones and Eichner ultimately produced, and reproduced at various times during the discovery: copy 1 contained 798 pages, copy 2 contained 917 pages and copy 3 contained 1037 pages. Ms. Beus analyzed missing documents and gaps in email communications, including two key communications produced only after months of litigation. I requested Ms. Beus to witness two separate inspections of the Burcart "original" file, one review occurring in La Grande, OR during deposition. This process was redundant and took weeks of analysis culminating in a 57 page memorandum.

131. Ms. Beus discovered that Burcart had previously represented multiple family members, including Father, Grandfather and maternal Aunt, which explained why Burcart made strenuous

efforts to obfuscate the production of her original client – which contained indicia of these prior representations without indicia of appropriate conflicts checks and waivers.

132. This evidence exposed Burcart’s obfuscation of A.F.’s discovery and Dall’s complicity therewith. I relied on this evidence in preparing for and taking Burcart’s deposition, which prodded Dall to engage in settlement discussions.

133. When the parties exchanged expert witness reports in February 2022, I assigned Ms. Beus to research, locate and obtain civil domestic relations case and criminal case trial transcripts involving Dr. Bourg.

134. This task was complicated in part because the list of Bourg’s cases that DOJ provided along with Bourg’s report contained only the last name, date of testimony and county, e.g., “State v Anderson 7/20/18 Clackamas County.” The State court data system, however, requires a full name in order to obtain a case number and docket. Ms. Beus had to employ multiple databases and search engines to obtain the first name of a party or parties and then run those names on OECI to see if there was a match. This project could have taken substantially less time had Bourg included the first name of the clients for whom she appeared and testified. In several instances, Ms. Beus was unable to find Bourg’s client, as was the case with “Anderson” in Clackamas.

135. Once a case docket was located, Ms. Beus reviewed the docket, pulled and reviewed the indictment and any other pleadings related directly to Bourg’s expert testimony. Ms. Beus also pulled exhibit and witness lists, which showed that in many instances Bourg was a defendant’s only witness at trial. Ms. Beus then contacted each court to obtain the relevant FTR or available trial transcripts.

136. I did not anticipate the extent of the delays in this case, including those resulting from state defendants’ litigation strategy. Carrying these costs and fees for this length of time has been a significant financial burden on myself and this law firm.

137. In my August 28, 2020 Declaration, I stated that in connection with the Burcart/Dall settlement, I recovered some but not all of the costs advanced at that time. I do so in an effort to maximize A.F.'s net recovery. (ECF 163 at 4). The costs are highlighted in **sienna** on the Cost Bill.

138. All of the claims arose out of a common core of facts on which defendants were jointly and severally liable, and the Stipulated Judgment expressly provides that Plaintiffs "are each entitled to move for an award of attorney's fees and costs pursuant to 28 U.S.C. § 1988 and R54." (ECF 306).

139. I believe that state defendants were always responsible for all reasonable costs, with the exception of the expert witness fees, which were not recoverable against defendants under § 1988. For that reason, the expert witness fees which were recovered previously do not appear on the Cost Bill). With that exception, state defendants should not be unjustly enriched by requiring A.F. to absorb the costs reflected in the prior settlement.

140. Therefore, should the Court conclude that the costs recovered pursuant to the Burcart/Dall settlement are recoverable from state defendants, I will reimburse such costs to A.F. and provide a full Accounting to the Court and state defendants.

I declare under penalty of perjury that foregoing is true and correct.

Dated: August 18, 2022.

s/ Steven Rizzo
Steven Rizzo

Index of Exhibits, *A.F. v. Evans et al*, Case No. 2:18-cv-01404-SI

Exhibit No.	Description
1	<i>A.G. et al v. Burroughs et al</i> , Case No. 3:13-cv-01051-AC, Civil Docket Report
2	<i>State pays record \$15 million in abuse case involving babies, toddlers</i> , Oregonian, December 21, 2015
3	A.F. – RMB Statement of Legal Services
4	A.F. v. Evans et al, Case No. 2:18-cv-01404-SI, Civil Docket Report
5	OSB 2017 Economic Survey
6	CPI Inflation Calculation Tables for Counsel and Paralegal Rates
7	November 1, 2016 Letter from Ellen Hewitt, DAS
8	July 16, 2019 Email Correspondence from Honorable Judge Patricia Sullivan
9	March 27, 2020 and April 6, 2020 Correspondence from Steven Rizzo
10	April 8, 2020 Email Correspondence from Honorable Judge Patricia Sullivan
11	January 11, 2021 Correspondence from Steven Rizzo
12	January 1, 2021 Correspondence from Steven Rizzo
13	Relevant Excerpts from Transcript of January 13, 2021 Status Conference before Honorable Judge Patricia Sullivan
14	March 19, 2021 Correspondence from Steven Rizzo
15	J. Butts Expert Report – FILED UNDER SEAL
16	Defendant DHS’s March 17, 2022 Amended Response to AF’s Interrogatories
17	Relevant Excerpts of Deposition AAG John Anderson, April 1, 2022
18	Relevant Excerpt of the Deposition of Dr. Wendy Bourg, April 22, 2022
19	Relevant Excerpts of the Continued Deposition of Dr. Wendy Bourg, May 4, 2022
20	Excerpts from State Defendants’ Expert Dr. Wendy Bourg February 7, 2022 Report – FILED UNDER SEAL
21	RMB Total Recoverable Cost Bill
22	Invoices from Investigator Kara Beus – FILED UNDER SEAL
23	<i>Attorney General Ellen Rosenbaum’s ‘special’ relationship with the Markowitz firm</i> – Oregonian, April 26, 2014
Appx. 1	Table of Production
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Appx. 3	Table of Subpoenas

PROTECTIVE ORD,TERMINATED

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:13-cv-01051-AC**

A.G. et al v. Burroughs et al
Assigned to: Magistrate Judge John V. Acosta
Demand: \$22,050,000
Cause: 42:1983 Civil Rights Act

Date Filed: 06/21/2013
Date Terminated: 04/28/2016
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

A. G.
*individually and on behalf of similarly
situated children*

represented by **J. Michael Mattingly**
Rizzo Mattingly Bosworth PC
1300 SW Sixth Ave
Ste 330
Portland, OR 97201
503-229-1819
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ATTORNEY TO BE NOTICED

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Portland, OR 97201
503-229-1819
Fax: 503- 229-0630
Email: srizzo@rizzopc.com
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ATTORNEY TO BE NOTICED

Plaintiff

B. J.
*individually and on behalf of similarly
situated children*

represented by **J. Michael Mattingly**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven V. Rizzo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

M. F.
*individually and on behalf of similarly
situated children*

represented by **J. Michael Mattingly**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven V. Rizzo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

S. B.
*individually and on behalf of similarly
situated children*

represented by **J. Michael Mattingly**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven V. Rizzo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

D. S.
*individually and on behalf of similarly
situated children*

represented by **J. Michael Mattingly**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven V. Rizzo
(See above for address)
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ATTORNEY TO BE NOTICED

Plaintiff

E. K.
*individually and on behalf of similarly
situated children*

represented by **J. Michael Mattingly**
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Steven V. Rizzo
(See above for address)
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Plaintiff

E. PD.
*individually and on behalf of similarly
situated children*

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Steven V. Rizzo
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Plaintiff

J. B.
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Steven V. Rizzo
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Plaintiff

K. R.
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situated children*

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Steven V. Rizzo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jane and John Does 1–50
TERMINATED: 10/14/2014

V.

Defendant

Tanya Gilbert
in her individual capacity
TERMINATED: 10/14/2014
formerly known as
Tanya Burroughs

represented by **Dirk L. Pierson**
Department of Justice
Trial Division, Torts Section
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TERMINATED: 04/01/2015
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Defendant

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ATTORNEY TO BE NOTICED

Vanessa A. Nordyke

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

**Oregon Department of Human Services
(DHS)**

a government agency

represented by **Andrew D. Campbell**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James S. Smith

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Dirk L. Pierson

(See above for address)

TERMINATED: 04/01/2015

ATTORNEY TO BE NOTICED

Allison Voitalla

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ATTORNEY TO BE NOTICED

Tracy Ickes White

(See above for address)

ATTORNEY TO BE NOTICED

Vanessa A. Nordyke

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Dyan Bradley

in her individual capacity

TERMINATED: 10/14/2014

represented by **Dirk L. Pierson**

(See above for address)

TERMINATED: 04/01/2015

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James S. Smith

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Vanessa A. Nordyke

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

James Earl Mooney
in his individual capacity, an individual

represented by **James Earl Mooney**
19032683
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801–9699
PRO SE

Defendant

Jane Doe Certifier
in her individual capacity, an individual
TERMINATED: 10/14/2014

Defendant

**Jane or John Doe Certifier–Supervisor
1**
*in his or her individual capacity, an
individual*
TERMINATED: 10/14/2014

Defendant

**Jane or John Doe Certifier–Supervisor
2**
*in her or his individual capacity, an
individual*
TERMINATED: 10/14/2014

Defendant

**Jane or John Doe Adoption
Caseworker**
in her or his individual capacity
TERMINATED: 10/14/2014

Defendant

**Jane or John Doe Adoption
Caseworker–Supervisor**
in his or her individual capacity
TERMINATED: 10/14/2014

Defendant

Jane or John Doe Caseworkers A 1–9
in their individual capacities
TERMINATED: 10/14/2014

Defendant

**Jane or John Doe
Caseworker–Supervisors B 1–9**
in their individual capacities
TERMINATED: 10/14/2014

Defendant

Jane or John Caseworkers C 1–50
in their individual capacities
TERMINATED: 10/14/2014

Defendant

Jane or John Doe
Caseworker-Supervisors D 1-50
in their individual capacities
TERMINATED: 10/14/2014

Defendant

Jane or John Doe Defendants 1-25
in their individual capacity
TERMINATED: 10/14/2014

Defendant

Mary Stovin
in her individual capacity

represented by **Andrew D. Campbell**
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LEAD ATTORNEY
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Dirk L. Pierson
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TERMINATED: 04/01/2015
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ATTORNEY TO BE NOTICED

Allison Woitalla
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ATTORNEY TO BE NOTICED

James S. Smith
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ATTORNEY TO BE NOTICED

Tracy Ickes White
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Defendant

Virginia White
in her individual capacity

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LEAD ATTORNEY
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Allison Woitalla
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James S. Smith
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Tracy Ickes White
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Defendant

Stacey Daeschner
in her individual capacity

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ATTORNEY TO BE NOTICED

Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Kevin McCarrell
in his individual capacity

represented by **Andrew D. Campbell**
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James S. Smith
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TERMINATED: 04/01/2015
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Vanessa A. Nordyke
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Allison Woitalla
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ATTORNEY TO BE NOTICED

Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Norene Ballard
in her individual capacity

represented by **Andrew D. Campbell**
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James S. Smith
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Allison Woitalla
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Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Mooney DHS–Certified Family
in its individual capacity
TERMINATED: 10/14/2015

Defendant

Jennifer Carranza
in her individual capacity

represented by **Andrew D. Campbell**
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LEAD ATTORNEY
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James S. Smith
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Allison Woitalla
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ATTORNEY TO BE NOTICED

Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Jennifer Milsap
in her individual capacity

represented by **Andrew D. Campbell**
(See above for address)

also known as
Jennifer Gallick

LEAD ATTORNEY
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James S. Smith
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Allison Woitalla
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Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Melissa Lara
in her individual capacity

represented by **Andrew D. Campbell**
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Allison Woitalla
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ATTORNEY TO BE NOTICED

Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Alexandria Majors
in her individual capacity
formerly known as
Alexandria Howard

represented by **Andrew D. Campbell**
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James S. Smith
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Allison Woitalla
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Tracy Ickes White
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Defendant

Todd Kwapisz
in his individual capacity

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Allison Woitalla
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ATTORNEY TO BE NOTICED

Tracy Ickes White
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Dawn Roth
in her individual capacity

represented by **Andrew D. Campbell**
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LEAD ATTORNEY
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James S. Smith
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Vanessa A. Nordyke
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Allison Voitalla
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ATTORNEY TO BE NOTICED

Tracy Ickes White
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michelle Brown
in her individual capacity

represented by **Andrew D. Campbell**
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James S. Smith
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Vanessa A. Nordyke
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Allison Voitalla
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Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Sylvia Mullenau
in her individual capacity

represented by **Andrew D. Campbell**
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James S. Smith
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Defendant

Norma Acevedo-Kohout
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TERMINATED: 04/01/2015
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Allison Voitalla
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Tracy Ickes White
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Defendant

Andy Moszer
in his individual capacity

represented by **Andrew D. Campbell**
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LEAD ATTORNEY
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James S. Smith
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Allison Voitalla
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Tracy Ickes White
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Defendant

Linda Lawing
in her individual capacity

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Defendant

Angelica Quintero
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Defendant

Jason Walling
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TERMINATED: 04/01/2015

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Allison Voitalla
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ATTORNEY TO BE NOTICED

Tracy Ickes White
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ATTORNEY TO BE NOTICED

Defendant

Dawn Hunter
in her individual capacity

represented by **Andrew D. Campbell**
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James S. Smith
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TERMINATED: 04/01/2015
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ATTORNEY TO BE NOTICED

Allison Voitalla
(See above for address)
ATTORNEY TO BE NOTICED

Tracy Ickes White
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jane or John Doe Defendants 1–15
in their individual capacity

Defendant

Kevin George

represented by **James S. Smith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Marion County District Attorney

represented by **Bruce T. Armstrong**
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Gloria M. Roy

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/21/2013	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-3328261. Jury Trial Requested: Yes. Filed by E. K., A. G., Jane and John Does 1-50, D. S., B. J., J. B., E. PD., M. F., K. R., S. B. against All Defendants (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons). (eo) (Entered: 06/21/2013)
06/21/2013	<u>2</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by A. G.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>3</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by M. F.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>4</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by B. J.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>5</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by S. B.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>6</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by D. S.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>7</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by E. K.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>8</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by E. PD.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>9</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by J. B.. (Rizzo, Steven) (Entered: 06/21/2013)
06/21/2013	<u>10</u>	Motion <i>Petition for Appointment of Guardian ad litem</i> . Filed by K. R.. (Rizzo, Steven) (Entered: 06/21/2013)
06/24/2013	<u>11</u>	Notice of Case Assignment to Magistrate Judge John V. Acosta and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 10/22/2013. Joint Alternate Dispute Resolution Report is due by 11/21/2013. Pretrial Order is due by 11/21/2013. Ordered by Magistrate Judge John V. Acosta. (ecp) (Entered: 06/24/2013)
06/24/2013	<u>12</u>	Summons Issued Electronically as to Diane Bradley, Tanya Burroughs, Judi Martin, James Earl Mooney, Oregon Department of Human Services (DHS). NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (ecp) (Entered: 06/24/2013)
07/12/2013	<u>13</u>	Amended Complaint . Filed by E. K., A. G., Jane and John Does 1-50, D. S., B. J., J. B., E. PD., M. F., K. R., S. B. against All Defendants. (Rizzo, Steven) (Entered: 07/12/2013)
07/15/2013	<u>14</u>	Affidavit of Service upon Diane Bradley served on 6/28/2013 , Summons Returned Executed. as to Diane Bradley served on 6/28/2013 Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/15/2013)

07/15/2013	<u>15</u>	Affidavit of Service upon Tanya Burroughs served on 6/28/2013 Filed by All Plaintiffs. (Rizzo, Steven) Modified on 7/15/2013 (sss). (Entered: 07/15/2013)
07/15/2013	<u>16</u>	Affidavit of Service upon Oregon Department of Human Services (DHS) served on 6/28/2013 , Filed by All Plaintiffs. (Rizzo, Steven) Modified on 7/15/2013 (sss). (Entered: 07/15/2013)
07/15/2013	<u>17</u>	Affidavit of Service upon Judi Martin served on 6/28/2013 , Summons Returned Executed. as to Judi Martin served on 6/28/2013 Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/15/2013)
07/15/2013	<u>18</u>	Affidavit of Service upon James Earl Mooney served on 6/28/2013 , Summons Returned Executed. as to James Earl Mooney served on 6/28/2013 Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/15/2013)
07/19/2013	<u>19</u>	Unopposed Motion for Extension of Time <i>for a Responsive Pleading</i> . Filed by Oregon Department of Human Services (DHS). (Smith, James) (Entered: 07/19/2013)
07/19/2013	<u>20</u>	Declaration of Counsel in Support of Unopposed Motion to Extend Time for a Responsive Pleading . Filed by Oregon Department of Human Services (DHS). (Related document(s): Motion for Extension of Time <u>19</u> .) (Pierson, Dirk) (Entered: 07/19/2013)
07/22/2013	21	ORDER by Judge Acosta – GRANTING Defendants DHS, Bradley, Burroughs and Martin's unopposed motion <u>19</u> for extension of time to 8/9/13, to answer or otherwise respond to plaintiffs' complaint. (peg) (Entered: 07/22/2013)
08/09/2013	<u>22</u>	Answer to <u>13</u> Amended Complaint <i>and Affirmative Defenses</i> . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Smith, James) (Entered: 08/09/2013)
08/12/2013	23	SCHEDULING ORDER by Judge Acosta – SETTING a Telephone Status/Scheduling Conference for Wednesday, August 28, 2013, at 10:30AM; Court staff to initiate the call. (peg) (Entered: 08/12/2013)
08/14/2013	<u>24</u>	Status Report <i>Prepared</i> by All Plaintiffs. Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Discovery Agreement, # <u>2</u> Exhibit 2 – Consent to Jurisdiction by a Magistrate Judge, # <u>3</u> Certificate of Service) (Rizzo, Steven) (Entered: 08/14/2013)
08/17/2013	25	ORDER by Judge Acosta – GRANTING Motions <u>2</u> , <u>3</u> , <u>4</u> , <u>5</u> , <u>6</u> , <u>7</u> , <u>8</u> , <u>9</u> , <u>10</u> for appointment of guardian ad litem for A.G., M.F., B.J., S.B., D.S., E.K., EP.D., J.B. and K.R. (peg) (Entered: 08/17/2013)
08/28/2013	26	MINUTES of Proceedings: Telephone Status/Scheduling Conference held by Judge Acosta. ORDER: (1) Plaintiffs' response to provisions of defendants' proposed protective order due by 9/18/13. (2) Defendants' reply due by 9/27/13. (3) Either a stipulated protective order or a motion for protective order is to be filed by 10/15/13. (4) If a motion for protective order is filed on or before 10/15/13, an oral argument on that motion is set for Wednesday, January 15, 2014, at 9:00AM, in Courtroom 11B. (5) If parties are consenting to full jurisdiction by a United States Magistrate Judge in this matter, the signed consent form is to be mailed or hand delivered to the clerk's office. (6) DEFERRING the setting of any other case management deadlines at this time. Steven Rizzo present as counsel for plaintiff(s). James Smith present as counsel for defendant(s). Court Reporter: None. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 08/29/2013)
08/29/2013	<u>27</u>	Fed. R. Civ. P. 26(a)(1) Agreement . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Attachments: # <u>1</u> Attachment Certificate of Service) (Rizzo, Steven) (Entered: 08/29/2013)
09/13/2013	<u>28</u>	Motion to Amend/Correct Answer to Amended Complaint <u>22</u> . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Smith, James) (Entered: 09/13/2013)
09/13/2013	<u>29</u>	Declaration of Counsel in Support of Unopposed Motion to File an Amended Answer to Plaintiffs' Amended Complaint . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Related document(s): Motion to Amend/Correct <u>28</u> .) (Smith, James) (Entered: 09/13/2013)
09/17/2013	30	ORDER by Judge Acosta – GRANTING Defendants DHS, Bradley, Burroughs (nka Gilbert), and Martin's unopposed motion <u>28</u> to file an amended answer to plaintiffs'

		amended complaint. ORDER: The amended answer is to be filed on or before 9/20/13. (peg) (Entered: 09/17/2013)
09/17/2013	<u>31</u>	Declaration of Steven Rizzo <i>Re: State Defendants' Unopposed Motion to File an Amended Answer</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 09/17/2013)
09/18/2013	<u>32</u>	Amended Answer to <u>1</u> Complaint, <i>and Affirmative Defenses</i> . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Smith, James) (Entered: 09/18/2013)
10/08/2013	<u>33</u>	Motion for Entry of Default of <i>Defendant of James Early Mooney</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/08/2013)
10/08/2013	<u>34</u>	Declaration of Steven Rizzo . Filed by All Plaintiffs. (Related document(s): Motion for default <u>33</u> .) (Rizzo, Steven) (Entered: 10/08/2013)
10/09/2013	<u>35</u>	Proposed Form of Order Submitted <i>Default Against Defendant James Mooney</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/09/2013)
10/09/2013	<u>36</u>	Motion to Quash . Filed by City of Salem. (Attachments: # <u>1</u> Exhibit) (Montoya, Kenneth) (Entered: 10/09/2013)
10/10/2013	<u>37</u>	SCHEDULING ORDER by Judge Acosta – Interested Non–Party's motion <u>36</u> to quash subpoena duces tecum will be taken under advisement by the court as of 11/1/13. (peg) (Entered: 10/10/2013)
10/10/2013	<u>38</u>	ORDER OF DEFAULT Against Defendant James Earl Mooney (Granting Motion for Entry of Default <u>33</u>). IT IS ORDERED that having failed to appear or otherwise defend, Defendant Mooney is in default; and IT IS ALSO ORDERED that the Plaintiffs are granted leave to apply for entry of Default Judgment against Defendant Mooney. DATED this 10th day of October, 2013, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 10/10/2013)
10/11/2013	<u>39</u>	Joint Motion <i>Regarding City of Salem's Motion to Quash</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/11/2013)
10/11/2013	<u>40</u>	Declaration of Steven Rizzo <i>in Support of Motion Regarding City of Salem's Motion to Quash Subpoena Duces Tecum</i> . Filed by All Plaintiffs. (Related document(s): Motion – Miscellaneous <u>39</u> .) (Rizzo, Steven) (Entered: 10/11/2013)
10/11/2013	<u>41</u>	Proposed Form of Order Submitted <i>on Joint Motion Regarding City of Salem's Motion to Quash Subpoena Duces Tecum</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/11/2013)
10/11/2013	<u>42</u>	Motion for Default Judgment <i>Against Defendant James Earl Mooney</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/11/2013)
10/11/2013	<u>43</u>	Memorandum in Support of <i>Motion for Entry of Default Judgment Against Defendant James Earl Mooney</i> . Filed by All Plaintiffs. (Related document(s): Motion for default judgment <u>42</u> .) (Rizzo, Steven) (Entered: 10/11/2013)
10/11/2013	<u>44</u>	Declaration of Steven Rizzo <i>in Support of Memorandum In Support of Motion for Entry of Default Judgment Against Defendant James Earl Mooney</i> . Filed by All Plaintiffs. (Related document(s): Motion for default judgment <u>42</u> .) (Rizzo, Steven) (Entered: 10/11/2013)
10/11/2013	<u>45</u>	Proposed Form of Order Submitted <i>for Default Judgment Against Defendant James Earl Mooney</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/11/2013)
10/11/2013	<u>46</u>	ORDER on Joint Motion Regarding City of Salem's Motion to Quash Subpoena Duces Tecum – IT IS ORDERED that City of Salem's Motion <u>36</u> to Quash is withdrawn without prejudice to refile if the parties do not reach an accord. IT IS ALSO ORDERED that Exhibit 1 (one) which is attached to the motion to quash is ORDERED SEALED. DATED this 11th day of October 2013, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 10/11/2013)
10/11/2013	<u>47</u>	Joint Motion for Extension of Time <i>to Confer</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/11/2013)

10/11/2013	<u>48</u>	Declaration of Steven Rizzo <i>In Support of Joint Motion Seeking Additional Time to Confer</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time <u>47</u> .) (Rizzo, Steven) (Entered: 10/11/2013)
10/15/2013	49	ORDER by Judge Acosta – REFERRING Motion <u>42</u> for Entry of Default Judgment <i>Against Defendant James Earl Mooney</i> – to the Honorable Anna J. Brown. (peg) (Entered: 10/15/2013)
10/15/2013	50	ORDER by Judge Acosta – GRANTING the parties' joint motion <u>47</u> for extension of time to 10/25/13, to file a stipulated protective order or a motion for protective order. (peg) (Entered: 10/15/2013)
10/22/2013	51	SCHEDULING ORDER by Judge Acosta – EXTENDING the case management deadlines as follows: (1) Discovery is to be completed and dispositive motions filed by 2/21/14. (2) Parties to file a joint ADR report and a pretrial order by 3/21/14. (peg) (Entered: 10/22/2013)
10/24/2013	<u>52</u>	Notice of Change of Address. Filed by All Plaintiffs (Rizzo, Steven) (Entered: 10/24/2013)
10/25/2013	<u>53</u>	Second Motion for Extension of Time <i>to Confer</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/25/2013)
10/25/2013	<u>54</u>	Declaration of Steven Rizzo <i>in Support of Second Joint Motion Seeking Additional Time to Confer</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time <u>53</u> .) (Rizzo, Steven) (Entered: 10/25/2013)
10/25/2013	55	ORDER by Judge Acosta – GRANTING the second joint motion seeking additional time to confer <u>53</u> . The parties may have up to and including 11/8/13, to either file a stipulated protective order or a motion for protective order. (peg) (Entered: 10/25/2013)
11/04/2013	56	ORDER by Judge Anna J. Brown. The Court has completed its review of Plaintiffs Motion for Default Judgment Against Defendant James Earl Mooney <u>42</u> in which Plaintiffs seek entry of specific and detailed Findings of Fact and Conclusions of Law as to Mooneys liability to them but also seeks to defer any determination of the amount of damages, penalties, attorneys fees or other monetary relief to award against Defendant Mooney. The Court, however, need not make detailed findings of fact as to liability in the event of a default judgment, although it must make particularized findings as to damages. <i>Adriana Int'l Corp. v. Thoeren</i> , 913 F.2d 1406, 1414 (9th Cir. 1990). The general rule is that upon default, allegations of the complaint are accepted as true except as to damages. <i>Id.</i> (citing <i>Geddes v. United Fin. Group</i> , 559 F.2d 557, 560 (9th Cir. 1977)). Accordingly, on this record, the Court declines to enter judgment in the form Plaintiffs propose. Instead, the Court grants Plaintiffs Motion <u>42</u> as follows: The Court grants judgment in Plaintiffs favor against Defendant Mooney as to his liability to Plaintiffs for each claim pleaded against Defendant Mooney in Plaintiffs Complaint. If Plaintiffs wish the entry of a general liability judgment against Defendant Mooney at this time consistent with this Order, Plaintiffs counsel may submit a form of such Judgment to this judicial officer for consideration. In any event, any award of monetary relief against Defendant Mooney is deferred. (bb) (Entered: 11/04/2013)
11/08/2013	<u>57</u>	Motion for Protective Order . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Smith, James) (Entered: 11/08/2013)
11/08/2013	<u>58</u>	Memorandum in Support . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Related document(s): Motion for Protective Order <u>57</u> .) (Smith, James) (Entered: 11/08/2013)
11/08/2013	<u>59</u>	Declaration of James S. Smith . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Related document(s): Motion for Protective Order <u>57</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Smith, James) (Entered: 11/08/2013)
11/13/2013	60	SCHEDULING ORDER by Judge Acosta – SETTING oral argument on defendants' motion <u>57</u> for protective (per docket entry 26) for Wednesday, January 15, 2014, at 9:00AM, in Courtroom 11B before Magistrate Judge John V. Acosta. (peg) (Entered: 11/13/2013)
11/21/2013	<u>61</u>	Motion to File Excess Pages . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 11/21/2013)

11/21/2013	<u>62</u>	Declaration of Steven Rizzo . Filed by All Plaintiffs. (Related document(s): Motion to File Excess Pages <u>61</u> .) (Rizzo, Steven) (Entered: 11/21/2013)
11/21/2013	<u>63</u>	Response to Motion for Protective Order <u>57</u> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 11/21/2013)
11/21/2013	<u>64</u>	Declaration of Steven Rizzo . Filed by All Plaintiffs. (Related document(s): Response to Motion <u>63</u> .) (Rizzo, Steven) (Entered: 11/21/2013)
11/21/2013	<u>65</u>	Motion to Compel . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 11/21/2013)
11/21/2013	<u>66</u>	Memorandum in Support of <i>Plaintiffs' Motion to Compel</i> . Filed by All Plaintiffs. (Related document(s): Motion to compel <u>65</u> .) (Rizzo, Steven) (Entered: 11/21/2013)
11/21/2013	<u>67</u>	Declaration of Steven Rizzo in Support of <i>Plaintiffs' Motion to Compel</i> . Filed by All Plaintiffs. (Related document(s): Motion to compel <u>65</u> .) (Rizzo, Steven) (Entered: 11/21/2013)
11/22/2013	68	ORDER by Judge Acosta – GRANTING plaintiffs' motion <u>61</u> to exceed page limitation by a maximum of eight (8) pages in connection with their motion to compel <u>65</u> . (peg) (Entered: 11/22/2013)
11/22/2013	69	SCHEDULING ORDER by Judge Acosta – Plaintiffs' motion <u>65</u> to compel against State defendants shall be taken under advisement as of 12/16/13. (peg) (Entered: 11/22/2013)
12/09/2013	<u>70</u>	Response to Motion to Compel <u>65</u> . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Smith, James) (Entered: 12/09/2013)
12/11/2013	<u>71</u>	<i>Motion Request for Oral Argument on Motion to Compel</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 12/11/2013)
12/11/2013	<u>72</u>	<i>Motion for Leave to File Reply to Response to Motion to Compel</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 12/11/2013)
12/11/2013	<u>73</u>	Declaration of Steven Rizzo in Support of <i>Motion for Leave to File Reply to Response to Motion to Compel</i> . Filed by All Plaintiffs. (Related document(s): Motion – Miscellaneous <u>72</u> .) (Rizzo, Steven) (Entered: 12/11/2013)
12/13/2013	74	ORDER by Judge Acosta – GRANTING the parties joint request <u>71</u> to set plaintiffs' motion <u>65</u> to compel for oral argument at the same date and time as that of the motion for protective order – Wednesday, January 15, 2014, at 9:00AM, in Courtroom 11B. (peg) (Entered: 12/14/2013)
12/30/2013	<u>75</u>	Response to <i>Motion for Leave to File Reply to Response to Motion to Compel</i> <u>72</u> . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Smith, James) (Entered: 12/30/2013)
01/07/2014	<u>76</u>	Supplemental Declaration of Steven Rizzo in Support of <i>Response to Motion for Protective Order</i> . Filed by All Plaintiffs. (Related document(s): Response to Motion <u>63</u> .) (Rizzo, Steven) (Entered: 01/07/2014)
01/13/2014	77	ORDER by Judge Acosta – GRANTING Plaintiffs' Motion <u>72</u> for Leave to File Reply to Response to Motion to Compel <u>65</u> . Plaintiffs' reply is due no later than 5:00PM, on Tuesday, January 14, 2014, and shall not exceed 10 pages. (peg) (Entered: 01/13/2014)
01/14/2014	78	SCHEDULING ORDER by Judge Acosta – RESETTING oral argument from 1/15/14 to Tuesday, January 21, 2014, at 9:30AM, in Courtroom 11B on Motion for Protective Order <u>57</u> and Motion to Compel <u>65</u> . Defendants' reply deadline re their motion for protective order is RESET to noon, on Friday, January 17, 2014. The reply is limited to 10 pages.(peg) (Entered: 01/14/2014)
01/17/2014	<u>79</u>	<i>Reply of Defendants DHS, Martin, Burroughs and Bradley to Plaintiffs' Response to Motion for a Protective Order</i> . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Related document(s): Response to Motion <u>63</u> .) (Smith, James) (Entered: 01/17/2014)
01/17/2014	<u>80</u>	<i>Reply to Response to</i> to Motion to Compel <u>65</u> Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 01/17/2014)

01/21/2014	<u>81</u>	MINUTES of Proceedings: Motion Hearing held before Judge Acosta. ORDER: GRANTING Defendants' Motion <u>57</u> for Protective Order. FURTHER ORDERED that Plaintiffs' Motion <u>65</u> to Compel is GRANTED in part and DENIED in part, as stated on the record. Opinion and Order to follow. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). James Smith present as counsel for defendant(s).(Court Reporter Nancy Walker.) (peg) (Entered: 01/22/2014)
01/22/2014	<u>82</u>	Declaration of Steven Rizzo <i>re: Oregon Public Records Request</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 01/22/2014)
01/28/2014	<u>83</u>	OPINION and ORDER The court GRANTS in PART and DENIES in PART both Defendants' Motion <u>57</u> for Protective Order and Plaintiffs' Motion <u>65</u> to Compel. IT IS SO ORDERED. DATED this 28th day of January, 2014, by United States Magistrate Judge, John V. Acosta. Modified on 1/28/2014 (peg). (Entered: 01/28/2014)
01/28/2014	<u>84</u>	PROTECTIVE ORDER – DATED this 28th day of January, 2014, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 01/28/2014)
01/28/2014	85	ORDER by Judge Acosta – STRIKING Opinion and Order <u>83</u> . An amended/corrected version shall issue shortly. (peg) (Entered: 01/28/2014)
01/28/2014	<u>86</u>	OPINION and ORDER (revised). IT IS SO ORDERED. DATED this 28th day of January, 2014, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 01/28/2014)
02/24/2014	87	SCHEDULING ORDER by Judge Acosta – SETTING a Telephone Rule 16 Conference for Tuesday, March 18, 2014, at 10:00AM; No later than 24 hours in advance of the scheduled hearing, counsel will receive by email the Courts AT&T conference line telephone number and participant access code. Parties are to be on the line and ready to start promptly at the designated start time. (peg) (Entered: 02/24/2014)
02/25/2014	<u>88</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Motion hearing held on January 21, 2014 before Judge John V. Acosta, Court Reporter Nancy M. Walker, telephone number 503–326–8186. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained from the Court Reporter (503–326–8186) or through PACER–See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 3/7/2014. Redaction Request due 3/21/2014. Redacted Transcript Deadline set for 3/31/2014. Release of Transcript Restriction set for 5/30/2014. (Walker, Nancy) (Entered: 02/25/2014)
03/18/2014	89	MINUTES OF PROCEEDINGS before Magistrate Judge John V. Acosta: Telephonic Rule 16 Conference re: discovery issues held 3/18/14. Order: Setting a further Telephone Conference re: discovery issues for 5/28/2014 at 10:00AM in Chambers. No later than 24 hours in advance of the scheduled hearing, counsel will receive by email the Courts AT&T conference line telephone number and participant access code. Parties are to be on the line and ready to start promptly at the designated start time. Steven Rizzo; J. Michael Mattingly present as counsel for plaintiff(s). James Smith present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 03/18/2014)
04/04/2014	<u>90</u>	Motion to Compel <i>re: Oregon Employment Department</i> . Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 04/04/2014)
04/04/2014	<u>91</u>	Memorandum in Support <i>Motion to Compel Production re: Oregon Employment Department</i> . Filed by All Plaintiffs. (Related document(s): Motion to compel <u>90</u> .) (Rizzo, Steven) (Entered: 04/04/2014)
04/04/2014	<u>92</u>	Declaration of Steven Rizzo <i>In Support of Motion to Compel Production re: Oregon Employment Department</i> . Filed by All Plaintiffs. (Related document(s): Motion to compel <u>90</u> .) (Rizzo, Steven) (Entered: 04/04/2014)
04/07/2014	93	SCHEDULING ORDER by Judge Acosta – SETTING Plaintiffs' Motion <u>90</u> to Compel Production re: Oregon Employment Department for oral argument on Monday, May 5, 2014, at 10:00AM, in Courtroom 11B, before United States Magistrate Judge John V. Acosta. (peg) (Entered: 04/07/2014)
04/15/2014	<u>94</u>	Response to Motion to Compel <i>re: Oregon Employment Department</i> <u>90</u> . Filed by Oregon Employment Department. (Whitehead, Carson) (Entered: 04/15/2014)

04/15/2014	<u>95</u>	Declaration of Jessica Spooner <i>in Support of Oregon Employment Department's Response to Plaintiffs' Motion to Compel</i> . Filed by Oregon Employment Department. (Related document(s): Response to Motion <u>94</u> .) (Whitehead, Carson) (Entered: 04/15/2014)
05/05/2014	96	MINUTES of Proceedings: Motion Hearing held before Judge Acosta regarding plaintiffs' motion to compel <u>90</u> . Plaintiffs' motion to compel <u>90</u> is taken under advisement as of 5/5/2014; Formal ruling to follow. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). Carson Whitehead present as counsel for third-party defendant. Court Reporter: Jill Erwon. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 05/05/2014)
05/07/2014	<u>97</u>	OPINION and ORDER – Plaintiffs motion to compel <u>90</u> is GRANTED, and the Oregon Employment Department is hereby ordered to comply with Plaintiffs February 21, 2014, subpoena. It is further ordered that all documents released pursuant to Plaintiffs subpoena be subject to this court's January 28, 2014, protective order. However, because the OED advanced a good-faith argument against production, the court awards no fees or costs to either party in connection with this motion or the OED's resistance to Plaintiffs subpoena. IT IS SO ORDERED. DATED this 7th day of May, 2014, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 05/07/2014)
05/07/2014	98	ORDER by Judge Acosta – The 5/28/14 Telephone Status Conference regarding discovery set earlier in this matter is STRICKEN as MOOT. If the parties need a further conference regarding discovery they are to confer on a date and contact Courtroom Deputy, Paul Gale, and request such a conference. (peg) (Entered: 05/07/2014)
05/21/2014	<u>99</u>	Third Party Motion to Quash , Third Party Motion for Protective Order . Filed by Marion County District Attorney. (Armstrong, Bruce) (Entered: 05/21/2014)
05/22/2014	100	SCHEDULING ORDER by Judge Acosta – Marion County's Third Party Motion to Quash and Alternative Motion for Protective Order <u>99</u> will be taken under advisement as of 6/10/14. (peg) (Entered: 05/22/2014)
06/05/2014	<u>101</u>	Motion to File Excess Pages . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 06/05/2014)
06/05/2014	<u>102</u>	Declaration of Steven Rizzo <i>in Support of Motion to Exceed LR 10–6 Page Count Limit</i> . Filed by All Plaintiffs. (Related document(s): Motion to File Excess Pages <u>101</u> .) (Rizzo, Steven) (Entered: 06/05/2014)
06/05/2014	<u>103</u>	Response to Third Party Motion to Quash Third Party Motion for Protective Order <u>99</u> Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 06/05/2014)
06/05/2014	<u>104</u>	Declaration of Steven Rizzo <i>in Support of Plaintiffs Response to Marion County District Attorney Motion to Quash and Alternative Motion for Protective Order</i> . Filed by All Plaintiffs. (Related document(s): Response to Discovery Motion <u>103</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 17, # <u>15</u> Exhibit 18, # <u>16</u> Exhibit 19, # <u>17</u> Exhibit 20, # <u>18</u> Exhibit 21, # <u>19</u> Exhibit 22, # <u>20</u> Exhibit 23, # <u>21</u> Exhibit 24, # <u>22</u> Exhibit 14, # <u>23</u> Exhibit 15, # <u>24</u> Exhibit 16) (Rizzo, Steven) (Entered: 06/05/2014)
06/05/2014	<u>105</u>	Exhibits re Response to Discovery Motion <u>103</u> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 14, # <u>2</u> Exhibit 15, # <u>3</u> Exhibit 16) (Rizzo, Steven) (Entered: 06/05/2014)
06/06/2014	106	ORDER by Judge Acosta – GRANTING plaintiff's motion <u>101</u> to exceed L.R. 10–6 page count limit in connection with the filing of their response to Marion County's motion to quash and alternative motion for protective order. (peg) (Entered: 06/06/2014)
06/13/2014	<u>107</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Motion Hearing held on May 5, 2014, before Judge John V. Acosta, Court Reporter Jill L. Erwin, telephone number (503)326–8191. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the court reporter or PACER–See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 6/23/2014. Redaction Request due 7/10/2014. Redacted Transcript Deadline set for 7/17/2014. Release of Transcript Restriction set for 9/15/2014. (Erwin, Jill) (Entered: 06/13/2014)

06/25/2014	<u>108</u>	Notice of Association of Attorney Vanessa A. Nordyke, Vanessa A. Nordyke for Tanya Burroughs, Vanessa A. Nordyke for Oregon Department of Human Services (DHS), Vanessa A. Nordyke for Judi Martin, Vanessa A. Nordyke for Diane Bradley. Filed by Tanya Burroughs, Oregon Department of Human Services (DHS), Judi Martin, Diane Bradley (Nordyke, Vanessa) (Entered: 06/25/2014)
06/30/2014	<u>109</u>	Motion for Protective Order <i>Concerning Certain Depositions (ORAL ARGUMENT REQUESTED)</i> . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Smith, James) (Entered: 06/30/2014)
06/30/2014	<u>110</u>	Declaration of Ellen Hewitt . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Related document(s): Motion for Protective Order <u>109</u> .) (Smith, James) (Entered: 06/30/2014)
06/30/2014	<u>111</u>	Declaration of Michael W. Baker . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Related document(s): Motion for Protective Order <u>109</u> .) (Smith, James) (Entered: 06/30/2014)
06/30/2014	<u>112</u>	Declaration of Caroline Burnell . Filed by Diane Bradley, Tanya Burroughs, Judi Martin, Oregon Department of Human Services (DHS). (Related document(s): Motion for Protective Order <u>109</u> .) (Smith, James) (Entered: 06/30/2014)
07/01/2014	<u>113</u>	SCHEDULING ORDER by Judge Acosta – SETTING oral argument on Third Party's Motion to Quash or Alternatively for Protective Order <u>99</u> and Defendants DHS, Bradly, Burroughs and Martin's Motion for Protective Order <u>109</u> for Monday, July 21, 2014, at 10:00AM, in Portland, Courtroom 11B before Magistrate Judge John V. Acosta. Any response to Motion for Protective Order <u>109</u> is to be filed no later than 7/16/14. (peg) (Entered: 07/01/2014)
07/16/2014	<u>114</u>	Motion to File Excess Pages . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/16/2014)
07/16/2014	<u>115</u>	Motion to File Excess Pages <i>Declaration of Steven Rizzo in Support of</i> re Motion to File Excess Pages <u>114</u> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/16/2014)
07/16/2014	<u>116</u>	Response to Motion for Protective Order <i>Concerning Certain Depositions (ORAL ARGUMENT REQUESTED)</i> <u>109</u> Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/16/2014)
07/16/2014	<u>117</u>	Declaration of Steven Rizzo . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by All Plaintiffs. (Related document(s): Response to Motion <u>116</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20) (Rizzo, Steven) Modified on 7/17/2014 to add name of declarant(ecp). (Entered: 07/16/2014)
07/16/2014	<u>118</u>	Exhibits re Response to Motion <u>116</u> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 4, # <u>2</u> Exhibit 17, # <u>3</u> Exhibit 18, # <u>4</u> Exhibit 19, # <u>5</u> Exhibit 20) (Rizzo, Steven) (Entered: 07/16/2014)
07/18/2014	<u>119</u>	ORDER by Judge Acosta – GRANTING Plaintiffs' Motion <u>114</u> to File Excess Pages. ORDER: Document <u>115</u> was filed as a motion, but in fact is a declaration in support of motion <u>114</u> . Accordingly, as regards to document <u>114</u> being a motion, it is DENIED. (peg) (Entered: 07/18/2014)
07/18/2014	<u>120</u>	Supplemental Declaration of <i>Steven Rizzo in Support of</i> . Filed by All Plaintiffs. (Related document(s): Response to Motion <u>116</u> .) (Attachments: # <u>1</u> Exhibit 11) (Rizzo, Steven) (Entered: 07/18/2014)
07/20/2014	<u>121</u>	Supplemental Declaration of <i>Steven Rizzo in Support of Plaintiffs' Response to Motion for Protective Order Concerning Certain Depositions</i>. (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by All Plaintiffs. (Related document(s): Response to Motion <u>116</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rizzo, Steven) Modified/Stricken on 7/21/2014 by Order 123 (peg). (Entered: 07/20/2014)

07/20/2014	<u>122</u>	Exhibits re Response to Motion 116. (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 2) (Rizzo, Steven) Modified/Stricken on 7/21/2014 by Order 123 (peg). (Entered: 07/20/2014)
07/21/2014	<u>123</u>	ORDER by Judge Acosta – The Court STRIKES Supplemental Declaration <u>121</u> of Steven Rizzo in Support of Plaintiffs' Response to Motion for Protective Order Concerning Certain Depositions and Exhibits <u>122</u> re: Response to Motion <u>116</u> . (peg) (Entered: 07/21/2014)
07/21/2014	<u>124</u>	MINUTES of Proceedings: Motion hearing held by Judge Acosta. ORDER: (1) Plaintiff's next amended complaint is to be filed no later than 8/1/14. (2) Amendment to pleadings, joinder of all parties and claims are to be completed by 10/3/14. (3) GRANTING in PART and DENYING in PART Marion County's Motion <u>99</u> to Quash and Alternative Motion for Protective Order as stated on the record. (4) GRANTING State Defendants' Motion for a Protective Order Concerning Certain Depositions as to Ellen Hewitt and Michael W. Baker and DEFERRING ruling as to Caroline Burnell. Steven Rizzo, J. Michael Mattingly present as counsel for plaintiff(s). James Smith, Bruce Armstrong present as counsel for defendants and Interested Third Party Marion County.(Court Reporter Nancy Walker.) (peg) (Entered: 07/21/2014)
07/31/2014	<u>125</u>	Second Amended Complaint <i>and Jury Trial Demand</i> . Filed by E. K., A. G., Jane and John Does 1–50, D. S., B. J., J. B., E. PD., M. F., K. R., S. B. against Jane Doe Adoption Caseworker, Jane or John Doe Adoption Caseworker–Supervisor, Diane Bradley, Tanya Burroughs, Jane or John Doe Caseworker–Supervisors B 1–9, Jane or John Doe Caseworker–Supervisors D 1–50, Jane or John Doe Caseworkers A 1–9, Jane or John Caseworkers C 1–50, Jane or John Doe Defendants 1–25, Judi Martin, James Earl Mooney, Oregon Department of Human Services (DHS), Mary Stovin, Virginia White, Stacey Daeschner. (Rizzo, Steven) (Entered: 07/31/2014)
08/07/2014	<u>126</u>	Proposed Summons <i>upon Stacey Daeschner</i> Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 08/07/2014)
08/07/2014	<u>127</u>	Proposed Summons <i>upon Virginia White</i> Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 08/07/2014)
08/07/2014	<u>128</u>	Proposed Summons <i>upon Mary Stovin</i> Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 08/07/2014)
08/07/2014	<u>129</u>	Summons Issued Electronically as to Stacey Daeschner, Mary Stovin, Virginia White. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5. (Attachments: # <u>1</u> issued summons, # <u>2</u> issued summons) (ecp) (Entered: 08/07/2014)
08/14/2014	<u>130</u>	Affidavit of Service upon Mary Stovin served on 8/8/2014 <i>Summons Returned Executed, as to Mary Stovin served on 8/8/2014</i> Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 08/14/2014)
08/14/2014	<u>131</u>	Acceptance/Acknowledgement of Service on Stacey Daeschner served on 8/12/2014 , Summons Returned Executed. as to Stacey Daeschner served on 8/12/2014 Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 08/14/2014)
08/14/2014	<u>132</u>	Affidavit of Service upon Virginia White served on 8/8/2014 , Summons Returned Executed. as to Virginia White served on 8/8/2014 Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 08/14/2014)
08/18/2014	<u>133</u>	Motion to Dismiss (<i>titled "Defendants DHS, White, Stovin, Martin, Daeschner, Burroughs, and Bradley's FRCP 12(B)(6) Motion to Dismiss"</i>). ORAL ARGUMENT requested. Filed by Tanya Gilbert, Virginia White, Stacey Daeschner, Oregon Department of Human Services (DHS), Judi Martin, Mary Stovin, Dyan Bradley. (Smith, James) (Entered: 08/18/2014)
08/20/2014	<u>134</u>	SCHEDULING ORDER by Judge Acosta – SETTING a Telephone Status/Scheduling Conference for Monday, August 25, 2014, at 1:30PM. The Court will provide the parties with a call–in number by separate email prior to the date of the hearing. Parties are to be on the line and ready to start promptly at the designated start time. (peg) (Entered: 08/20/2014)

08/20/2014	<u>135</u>	SCHEDULING ORDER by Judge Acosta – SETTING Defendants DHS, White, Stovin, Martin, Daeschner, Burroughs, and Bradley's FRCP 12(B)(6) Motion to Dismiss <u>133</u> for discussion during the 8/25/14 telephone status/scheduling conference, which will begin at 1:30AM. The Court will provide the parties with a call-in number by separate email prior to the date of the hearing. Parties are to be on the line and ready to start promptly at the designated start time. (peg) (Entered: 08/20/2014)
08/21/2014	<u>136</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Motion hearing held on July 21, 2014 before Judge John V. Acosta, Court Reporter Nancy M. Walker, telephone number 503-326-8186. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained from the Court Reporter (503-326-8186) or through PACER-See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 9/2/2014. Redaction Request due 9/15/2014. Redacted Transcript Deadline set for 9/25/2014. Release of Transcript Restriction set for 11/24/2014. (Walker, Nancy) (Entered: 08/21/2014)
08/25/2014	<u>137</u>	MINUTES of Proceedings: Telephone Status Conference regarding defendants' motion <u>133</u> to dismiss held by Judge Acosta. ORDER: (1) The court will not defer a ruling on defendants 12(b)(6) motion <u>133</u> . (2) Plaintiff's response to the motion remains due on or before 9/5/14. (4) Presently defendants' reply to the motion is due no later than 9/19/14. (5) Motion to dismiss <u>133</u> will be taken under advisement as of 9/25/14. Steven Rizzo, Michael Mattingly present as counsel for plaintiff(s). James Smith present as counsel for defendant(s). Court Reporter: Jill Erwin. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 08/25/2014)
09/05/2014	<u>138</u>	Motion to File Excess Pages . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 09/05/2014)
09/05/2014	<u>139</u>	Motion to File Excess Pages <i>Declaration of Steven Rizzo in Support of re Motion to File Excess Pages <u>138</u></i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 09/05/2014)
09/05/2014	<u>140</u>	Response to Motion to Dismiss (<i>titled "Defendants DHS, White, Stovin, Martin, Daeschner, Burroughs, and Bradley's FRCP 12(B)(6) Motion to Dismiss"</i>) <u>133</u> Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 09/05/2014)
09/08/2014	<u>141</u>	ORDER by Judge Acosta – GRANTING plaintiffs' motion <u>138</u> to exceed LR 7-2(b) Page Count Limit. DENYING as MOOT plaintiffs' motion <u>139</u> , as it is not a motion, but a declaration in support of motion <u>138</u> . (peg) (Entered: 09/08/2014)
09/19/2014	<u>142</u>	Reply to Motion to Dismiss (<i>titled "Defendants DHS, White, Stovin, Martin, Daeschner, Burroughs, and Bradley's FRCP 12(B)(6) Motion to Dismiss"</i>) <u>133</u> . Filed by Dyan Bradley, Stacey Daeschner, Tanya Gilbert, Judi Martin, Oregon Department of Human Services (DHS), Mary Stovin, Virginia White. (Smith, James) (Entered: 09/19/2014)
10/03/2014	<u>143</u>	Motion for Extension of Time <i>to File Third Amended Complaint</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/03/2014)
10/03/2014	<u>144</u>	Declaration of <i>J. Michael Mattingly in support of Motion to Extend Time to File Third Amended Complaint</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time <u>143</u> .) (Rizzo, Steven) (Entered: 10/03/2014)
10/06/2014	<u>145</u>	ORDER by Judge Acosta – GRANTING plaintiffs' unopposed motion <u>143</u> for extension of time to 10/13/14, in which to file their third amended complaint. (peg) (Entered: 10/06/2014)
10/13/2014	<u>146</u>	Motion for Extension of Time <i>to File Third Amended Complaint</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/13/2014)
10/13/2014	<u>147</u>	Declaration of <i>Steven Rizzo in support of Motion to Extend Time to File Third Amended Complaint</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time <u>146</u> .) (Rizzo, Steven) (Entered: 10/13/2014)
10/14/2014	<u>148</u>	Third Amended Complaint <i>and Jury Trial Demand</i> . Filed by E. K., A. G., D. S., B. J., J. B., E. PD., M. F., K. R., S. B., Individually and on behalf of similarly situated children against Stacey Daeschner, Judi Martin, James Earl Mooney, Oregon Department of Human Services (DHS), Mary Stovin, Virginia White, Kevin McCarrell, Norene Ballard, The Mooney DHS Certified Home, Jennifer Carranza, Jennifer Milsap (AKA Gallick), Melissa

		Lara, Alexandria Howard, Todd Kwapisz, Dawn Roth, Michelle Brown, Sylvia Mullenau, Norma Acevedo-Kohout, Andy Moszer, Linda Lawing, Angelica Quintero, Jason Walling, Dawn Hunter, Jane or John Doe Defendants 1–15. (Rizzo, Steven) (Entered: 10/14/2014)
10/14/2014	<u>149</u>	ORDER by Judge Acosta – GRANTING plaintiffs' motion <u>146</u> to extend time to 10/14/14, in which to file their third amended complaint. (peg) (Entered: 10/14/2014)
10/16/2014	<u>150</u>	SCHEDULING ORDER by Judge Acosta – SETTING an IN-PERSON Discovery Conference regarding the scope of the 10/24/14 deposition of Caroline Burnell and any other current discovery disputes for Tuesday, October 21, 2014, at 2:00PM, in Portland, Courtroom 11B before Magistrate Judge John V. Acosta. (peg) (Entered: 10/16/2014)
10/16/2014	<u>151</u>	Proposed Summons <i>upon Dawn Roth</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/16/2014)
10/16/2014	<u>152</u>	Proposed Summons <i>upon Kevin McCarrell</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/16/2014)
10/16/2014	<u>153</u>	Proposed Summons <i>upon Linda Lawing</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/16/2014)
10/16/2014	<u>154</u>	Proposed Summons <i>upon Todd Kwapisz</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/16/2014)
10/16/2014	<u>155</u>	Proposed Summons <i>upon Dawn Hunter</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/16/2014)
10/16/2014	<u>156</u>	Proposed Summons <i>upon Alexandria Majors (fka Howard)</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/16/2014)
10/16/2014	<u>157</u>	Summons Issued Electronically as to Dawn Hunter, Todd Kwapisz, Linda Lawing, Alexandria Majors, Kevin McCarrell, Dawn Roth. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5. (Attachments: # <u>1</u> Issued summons Kwapisz, # <u>2</u> Issued summons Lawing, # <u>3</u> Issued summons Majors, # <u>4</u> Issued summons McCarrell, # <u>5</u> Issued summons Roth) (ecp) (Entered: 10/16/2014)
10/17/2014	<u>158</u>	Proposed Summons <i>upon the Mooney DHS–Certified Family</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/17/2014)
10/17/2014	<u>159</u>	Proposed Summons <i>upon the Mooney DHS–Certified Family</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/17/2014)
10/17/2014	<u>160</u>	Proposed Summons <i>upon James E. Mooney</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/17/2014)
10/17/2014	<u>161</u>	Summons Issued Electronically as to James Earl Mooney, Mooney DHS–Certified Family. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5. (sss) (Entered: 10/17/2014)
10/20/2014	<u>162</u>	Proposed Summons <i>upon The Mooney DHS–Certified Family</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/20/2014)
10/20/2014	<u>163</u>	Proposed Summons <i>upon The Mooney DHS–Certified Family</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/20/2014)
10/20/2014	<u>164</u>	Proposed Summons <i>upon The Mooney DHS–Certified Family</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/20/2014)
10/21/2014	<u>165</u>	Notice of Attorney Withdrawal: (<i>Notice of Withdrawal of Carson L. Whitehead as Counsel</i>) Filed by Oregon Employment Department (Whitehead, Carson) (Entered: 10/21/2014)
10/21/2014	<u>166</u>	MINUTES of Proceedings: Discovery Conference held before Judge Acosta. ORDER: (1) Defendants' Motion to Dismiss <u>133</u> is STRICKEN as MOOT in light of the filing of plaintiffs' third amended complaint. (2) Plaintiffs to file any discovery related motions by 10/31/14. The filing is limited to 30 pages. (3) Defendants response will be due by 11/21/14, and will also be limited to 30 pages. (4) Any motion to dismiss the third

		amended complaint shall be filed on or before 11/7/14. (5) The discovery deadline is extended to 4/6/15. (6) Dispositive motion filing deadline is extended to 5/8/15. (7) Disclosure of experts will be due within 30 days of the court's ruling on dispositive motions, or if no dispositive motions are filed within 30 days of the dispositive motion filing deadline. (8) Expert depositions are to be concluded by 7/31/15. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). James Smith present as counsel for defendant(s). (Court Reporter Bonita Shumway.) (peg) (Entered: 10/22/2014)
10/22/2014	<u>167</u>	Summons Issued Electronically as to Mooney DHS–Certified Family. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5. (sss) (Entered: 10/22/2014)
10/27/2014	<u>168</u>	Acceptance/Acknowledgement of Service on Kevin McCarrell served on 10/20/2014 , Summons Returned Executed. as to Kevin McCarrell served on 10/20/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>169</u>	Acceptance/Acknowledgement of Service on Dawn Roth served on 10/20/2014 , Summons Returned Executed. as to Dawn Roth served on 10/20/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>170</u>	Acceptance/Acknowledgement of Service on Alexandria Majors served on 10/20/2014 , Summons Returned Executed. as to Alexandria Majors served on 10/20/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>171</u>	Acceptance/Acknowledgement of Service on Linda Lawing served on 10/20/2014 , Summons Returned Executed. as to Linda Lawing served on 10/20/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>172</u>	Acceptance/Acknowledgement of Service on Todd Kwapisz served on 10/20/2014 , Summons Returned Executed. as to Todd Kwapisz served on 10/20/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>173</u>	Acceptance/Acknowledgement of Service on Dawn Hunter served on 10/20/2014 , Summons Returned Executed. as to Dawn Hunter served on 10/20/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>174</u>	Affidavit of Service upon Mooney DHS–Certified Family served on 10/21/2014 , Summons Returned Executed. as to Mooney DHS–Certified Family served on 10/21/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>175</u>	Affidavit of Service upon Mooney DHS–Certified Family served on 10/22/2014 , Summons Returned Executed. as to Mooney DHS–Certified Family served on 10/22/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/27/2014	<u>176</u>	Affidavit of Service upon James Earl Mooney served on 10/22/2014 , Summons Returned Executed. as to James Earl Mooney served on 10/22/2014 Filed by E. K.; A. G.; K. R.; D. S.; B. J.; J. B.; E. PD.; M. F.; S. B.. (Rizzo, Steven) (Entered: 10/27/2014)
10/30/2014	<u>177</u>	Motion for Extension of Time to Answer Amended Complaint,, <u>148</u> . (Submitted in letter format addressed to the Clerk) Filed by James Earl Mooney. (ecp) (Entered: 10/30/2014)
10/30/2014	<u>178</u>	ORDER by Judge Acosta – GRANTING defendant Mooney's motion <u>177</u> for extension of time to answer or otherwise respond to plaintiffs' third amended complaint up to and including 12/30/14. (copy of this order mailed to James Mooney this date.)(peg) (Entered: 10/30/2014)
10/31/2014	<u>179</u>	Motion for Extension of Time to <i>File Discovery Motion</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/31/2014)
10/31/2014	<u>180</u>	Declaration of <i>J. Michael Mattingly in support of Motion to Extend Time to File Discovery Motion</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Extension of Time <u>179</u> .) (Rizzo, Steven) (Entered: 10/31/2014)

10/31/2014	<u>181</u>	ORDER by Judge Acosta – GRANTING plaintiff's unopposed motion <u>179</u> to extend time to 11/10/14, in which to file any discovery related motions. The motion(s) is limited to 30 pages. (peg) (Entered: 10/31/2014)
10/31/2014		Clerk's Notice of Mailing to James Mooney a copy of Order on motion for extension of time 181 . (peg) (Entered: 10/31/2014)
10/31/2014	<u>182</u>	Notice of Appearance of James S. Smith appearing on behalf of Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White Filed by on behalf of Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White (Smith, James) (Entered: 10/31/2014)
11/07/2014	<u>183</u>	Motion to Dismiss (<i>titled "State Defendants' FRCP 12 Motions Against the Third Amended Complaint"</i>). Filed by Todd Kwapisz, Jason Walling, Alexandria Majors, Stacey Daeschner, Norene Ballard, Jennifer Carranza, Mary Stovin, Kevin McCarrell, Angelica Quintero, Melissa Lara, Linda Lawing, Virginia White, Andy Moszer, Jennifer Milsap, Oregon Department of Human Services (DHS), Sylvia Mullenau, Norma Acevedo–Kohout, Dawn Hunter, Michelle Brown, Judi Martin, Dawn Roth. (Smith, James) (Entered: 11/07/2014)
11/07/2014	<u>184</u>	Supplement (<i>titled "Request for ORAL ARGUMENT on "State Defendants' Rule 12 Motions Against the Third Amended Complaint" (Dkt #183)"</i>). Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion to Dismiss,, <u>183</u> .) (Smith, James) (Entered: 11/07/2014)
11/10/2014	<u>185</u>	SCHEDULING ORDER by Judge Acosta – State Defendants' FRCP 12 Motions <u>183</u> Against Third Amended Complaint will be taken under advisement as of 2/13/15; the request for oral argument will be considered in due course. (copy of this scheduling order mailed to defendant Mooney this date) (peg) (Entered: 11/10/2014)
11/10/2014	<u>186</u>	Motion for Extension of Time <i>to File Discovery Motion</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 11/10/2014)
11/10/2014	<u>187</u>	Declaration of <i>J. Michael Mattingly in support of Motion to Extend Time to File Discovery Motion</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Extension of Time <u>186</u> .) (Rizzo, Steven) (Entered: 11/10/2014)
11/12/2014	<u>188</u>	ORDER by Judge Acosta – GRANTING plaintiff's unopposed motion <u>186</u> to extend time to 11/17/14, in which to file any discovery related motions. The motion is limited to 30 pages. (peg) (Entered: 11/12/2014)
11/12/2014	<u>189</u>	Clerk's Notice of Mailing to James Earl Mooney regarding Order on motion for extension of time 188 . (peg) (Entered: 11/12/2014)
11/12/2014	<u>190</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Discovery Conference held on 10/21/2014 before Judge John V. Acosta, Court Reporter Bonita J. Shumway, telephone number 503–326–8188. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER–See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 11/24/2014. Redaction Request due 12/8/2014. Redacted Transcript Deadline set for 12/18/2014. Release of Transcript Restriction set for 2/13/2015. (Shumway, Bonita) (Entered: 11/12/2014)
11/17/2014	<u>191</u>	Motion to Compel <i>Discovery</i> . Oral Argument requested. Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 11/17/2014)

11/17/2014	<u>192</u>	Memorandum in Support of <i>Motion to Compel Discovery</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to compel <u>191</u> .) (Attachments: # <u>1</u> Exhibit ex 1, # <u>2</u> Exhibit ex 2, # <u>3</u> Exhibit ex 3, # <u>4</u> Exhibit ex 4, # <u>5</u> Exhibit ex 5, # <u>6</u> Exhibit ex 6, # <u>7</u> Exhibit ex 7, # <u>8</u> Exhibit ex 8, # <u>9</u> Exhibit ex 9, # <u>10</u> Exhibit ex 10, # <u>11</u> Exhibit ex 11, # <u>12</u> Exhibit ex 12, # <u>13</u> Exhibit ex 13, # <u>14</u> Exhibit ex 14, # <u>15</u> Exhibit ex 15, # <u>16</u> Exhibit ex 16, # <u>17</u> Exhibit ex 17, # <u>18</u> Exhibit ex 18, # <u>19</u> Exhibit ex 19, # <u>20</u> Exhibit ex 20, # <u>21</u> Exhibit ex 21, # <u>22</u> Exhibit ex 22, # <u>23</u> Exhibit ex 23, # <u>24</u> Exhibit ex 24, # <u>25</u> Exhibit ex 25, # <u>26</u> Exhibit ex 26, # <u>27</u> Exhibit ex 27, # <u>28</u> Exhibit ex 28, # <u>29</u> Exhibit ex 29, # <u>30</u> Exhibit ex 30, # <u>31</u> Exhibit ex 31, # <u>32</u> Exhibit ex 32, # <u>33</u> Exhibit ex 33, # <u>34</u> Exhibit ex 34, # <u>35</u> Exhibit ex 35, # <u>36</u> Exhibit ex 36, # <u>37</u> Exhibit ex 37) (Rizzo, Steven) (Entered: 11/17/2014)
11/17/2014	<u>193</u>	Declaration of Steven Rizzo in Support of <i>Plaintiffs Motion to Compel Discovery</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to compel <u>191</u> .) (Rizzo, Steven) (Entered: 11/17/2014)
11/19/2014	194	SCHEDULING ORDER by Judge Acosta – SETTING plaintiffs' motion <u>191</u> to compel for oral argument on Thursday, December 11, 2014, at 1:30PM, in Portland Courtroom 11B before Magistrate Judge John V. Acosta. (peg) (Entered: 11/19/2014)
11/24/2014	<u>195</u>	Motion for Extension of Time to <i>File Response to State Defendants' FRCP 12 Motions Against the Third Amended Complaint</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 11/24/2014)
11/24/2014	<u>196</u>	Declaration of Steven Rizzo in Support of <i>Motion to Extend Time to File Response to State Defendants' FRCP 12 Motions Against the Third Amended Complaint</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Extension of Time <u>195</u> .) (Rizzo, Steven) (Entered: 11/24/2014)
11/24/2014	197	ORDER by Judge Acosta – GRANTING plaintiffs' unopposed motion <u>195</u> to extend time to 11/26/14, in which to file a response to State defendants' motion to dismiss <u>183</u> . (peg) (Entered: 11/24/2014)
11/24/2014	198	Clerk's Notice of Mailing to James Earl Mooney a copy of Order on motion for extension of time 197 . (peg) (Entered: 11/24/2014)
11/25/2014	199	Clerk's Notice of Mailing to James Earl Mooney a copy of Scheduling Order 194 . (peg) (Entered: 11/25/2014)
11/26/2014	<u>200</u>	Motion to File Excess Pages . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 11/26/2014)
11/26/2014	<u>201</u>	Declaration of Steven Rizzo in Support of <i>Motion to File Excess Pages</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to File Excess Pages <u>200</u> .) (Rizzo, Steven) (Entered: 11/26/2014)
11/26/2014	<u>202</u>	Response to <i>State Defendants' FRCP 12 Motions Against the Third Amended Complaint</i> to Motion to Dismiss (titled " <i>State Defendants' FRCP 12 Motions Against the Third Amended Complaint</i> ") <u>183</u> Oral Argument requested. Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 11/26/2014)
12/01/2014	203	ORDER by Judge Acosta – GRANTING plaintiffs' unopposed motion <u>200</u> to exceed page count limit in their response to defendants' motion to dismiss <u>183</u> . (peg) (Entered: 12/01/2014)
12/04/2014	<u>204</u>	Response to Motion to Compel <i>Discovery</i> <u>191</u> . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 12/04/2014)
12/04/2014	<u>205</u>	Declaration of James S. Smith . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Response to Motion, <u>204</u> .) (Smith, James) (Entered: 12/04/2014)

12/11/2014	<u>206</u>	MINUTES of Proceedings: Motion Hearing before Judge Acosta on Plaintiffs' Motion <u>191</u> to Compel. Formal Order to follow. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). James Smith present as counsel for defendant(s). Court Reporter: Jill Erwin. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 12/15/2014)
12/15/2014	<u>207</u>	ORDER Granting in Part Denying in Part Motion to Compel <u>191</u> as stated on the record. Signed on 12/15/14 by Magistrate Judge John V. Acosta. (peg) (Entered: 12/15/2014)
12/15/2014	<u>208</u>	Reply (<i>titled "State Defendants' Reply to Plaintiffs' Response to FRCP 12 Motions Against Third Amended Complaint"</i>) to Motion to Dismiss (<i>titled "State Defendants' FRCP 12 Motions Against the Third Amended Complaint"</i>) <u>183</u> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 12/15/2014)
12/16/2014	209	Clerk's Notice of Mailing to James Earl Mooney regarding Motion Hearing Held, 206 , Order on Motion to Compel <u>207</u> . (peg) (Entered: 12/16/2014)
12/22/2014	<u>210</u>	<i>Supplemental Pleading Concerning Discovery Sanctions</i> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) Modified on 12/22/2014 to term document as a motion and change the text taking out the word "motion".(peg). (Entered: 12/22/2014)
12/22/2014	<u>211</u>	Declaration of James S. Smith . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion to Supplement, <u>210</u> .) (Smith, James) (Entered: 12/22/2014)
12/22/2014	<u>212</u>	Declaration of Desta Walsh . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion to Supplement,, <u>210</u> .) (Smith, James) (Entered: 12/22/2014)
12/22/2014	<u>213</u>	Declaration of Tracey Powers . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion to Supplement,, <u>210</u> .) (Smith, James) (Entered: 12/22/2014)
12/22/2014	<u>214</u>	Declaration of Chris Melgard . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion to Supplement,, <u>210</u> .) (Smith, James) (Entered: 12/22/2014)
12/22/2014	<u>215</u>	Declaration of Rodney Dearmore . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion to Supplement,, <u>210</u> .) (Smith, James) (Entered: 12/22/2014)
12/23/2014	<u>216</u>	Motion for Order <i>to seal exhibits 1-5 to Declaration of Rodney Dearmore (ECF 215)</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 12/23/2014)

12/23/2014	<u>217</u>	Declaration of <i>Steven Rizzo in Support of Unopposed Motion to Seal Exhibits 1–5 to Declaration of Rodney Dearmore (ECF 215)</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Order <u>216</u> .) (Rizzo, Steven) (Entered: 12/23/2014)
12/23/2014	<u>218</u>	ORDER by Judge Acosta – GRANTING plaintiffs' unopposed motion <u>216</u> to seal exhibits 1–5 to the declaration of Rodney Dearmore as follows: Because exhibits 1–5 were not entered as attachments to the Rodney Dearmore Declaration <u>215</u> , but were filed as a single inclusive portion of that document, the court will seal document <u>215</u> in its entirety. (peg) (Entered: 12/23/2014)
12/23/2014	<u>219</u>	Clerk's Notice of Mailing to James Earl Mooney a copy of Order on motion to seal <u>218</u> . (peg) (Entered: 12/23/2014)
12/23/2014	<u>220</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Oral Argument held on December 11, 2014, before Judge John V. Acosta, Court Reporter Jill L. Erwin, telephone number (503)326–8191. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the court reporter or PACER–See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 1/2/2015. Redaction Request due 1/16/2015. Redacted Transcript Deadline set for 1/26/2015. Release of Transcript Restriction set for 3/26/2015. (Erwin, Jill) (Entered: 12/23/2014)
12/24/2014	<u>221</u>	Motion to Certify the Class <i>Motion to Certify a Class of Persons</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 12/24/2014)
12/24/2014	<u>222</u>	<i>Plaintiffs' Memorandum in Support of Motion to Certify a Class of Persons</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to certify class <u>221</u> .) (Rizzo, Steven) (Entered: 12/24/2014)
12/24/2014	<u>223</u>	Declaration of <i>Steven Rizzo in Support of Motion to Certify a Class of Persons</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to certify class <u>221</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rizzo, Steven) (Entered: 12/24/2014)
12/24/2014	<u>224</u>	Declaration of <i>J. Michael Mattingly in support of Motion to Certify a Class of Persons</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to certify class <u>221</u> .) (Rizzo, Steven) (Entered: 12/24/2014)
12/29/2014	<u>225</u>	SCHEDULING ORDER by Judge Acosta – Plaintiffs' Motion to Certify a Class of Persons <u>221</u> will be taken under advisement as of 2/2/2015. (peg) (Entered: 12/29/2014)
01/05/2015	<u>226</u>	Supplemental Response (12/31/14 Letter) by plaintiffs' in response to defendants' supplemental response <u>210</u> regarding plaintiffs' request for discovery sanctions. Filed by All Plaintiffs. (Related document(s): Supplement <u>210</u> .) (peg) (Entered: 01/05/2015)
01/05/2015	<u>227</u>	Amended Declaration of Tracey Powers . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Declaration, <u>213</u> , Motion to Supplement,, <u>210</u> .) (Smith, James) (Entered: 01/05/2015)
01/06/2015	<u>228</u>	Supplemental Briefing (Plaintiffs' 12/31/14 letter to the court) regarding Plaintiff's Motion to Compel <u>191</u> . (peg) (Entered: 01/06/2015)
01/06/2015	<u>229</u>	Supplemental Briefing (State Defendants' 1/5/15 letter to the court) regarding Plaintiff's Motion to Compel <u>191</u> . (peg) (Entered: 01/06/2015)
01/07/2015	<u>230</u>	Motion for Entry of Default <i>Against the Defendant Mooney DHS–Certified Family and Defendant Mooney</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Attachments: # <u>1</u> Proposed Order Order of Default against the Def. Mooney DHS–Certified Family and Defendant Mooney) (Rizzo, Steven) (Entered: 01/07/2015)
01/07/2015	<u>231</u>	Declaration of <i>Steven Rizzo in Support of Plaintiffs Motion for Default Against the Defendant Mooney DHS–Certified Family and Defendant Mooney</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for default, <u>230</u> .) (Rizzo, Steven) (Entered: 01/07/2015)

01/08/2015	<u>232</u>	Motion for Extension of Time . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Nordyke, Vanessa) (Entered: 01/08/2015)
01/08/2015	<u>233</u>	Declaration of Vanessa A. Nordyke . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Extension of Time, <u>232</u> .) (Nordyke, Vanessa) (Entered: 01/08/2015)
01/08/2015	<u>234</u>	Amended Declaration of Vanessa A. Nordyke . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Extension of Time, <u>232</u> .) (Nordyke, Vanessa) (Entered: 01/08/2015)
01/09/2015	235	ORDER by Judge Acosta – GRANTING the State Defendants' unopposed motion <u>232</u> to extend the deadline for responding to plaintiffs' motion to certify a class of persons up to and including 2/2/15. The motion to certify a class of persons <u>221</u> will now be taken under advisement as of 2/26/15. (peg) (Entered: 01/09/2015)
01/09/2015	236	ORDER by Judge Acosta – Based on the filing of the Amended Declaration of Vanessa A. Nordyke, the State Defendants' response to Plaintiffs' Motion <u>232</u> to certify a class of persons is now due by 1/26/15. The motion to certify will now be taken under advisement as of 2/10/15. (peg) (Entered: 01/09/2015)
01/09/2015	<u>237</u>	Response to Motion for Entry of Default <i>Against the Defendant Mooney DHS–Certified Family and Defendant Mooney</i> <u>230</u> . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Pierson, Dirk) (Entered: 01/09/2015)
01/12/2015	<u>238</u>	Reply <i>To State Defendants' Response to Motion for Entry of Default Against the Defendant Mooney DHS–Certified Family and Defendant Mooney</i> <u>230</u> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 01/12/2015)
01/12/2015	<u>239</u>	Declaration of Steven Rizzo in Support of Plaintiffs Reply to State Defendants Response to Plaintiffs Motion for Entry of Default. Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Reply to Motion, <u>238</u> .) (Attachments: # <u>1</u> Exhibit 1) (Rizzo, Steven) (Entered: 01/12/2015)
01/12/2015	<u>240</u>	Exhibits re Reply to Motion, <u>238</u> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Attachments: # <u>1</u> Exhibit 1) (Rizzo, Steven) (Entered: 01/12/2015)
01/20/2015	241	SCHEDULING ORDER by Judge Acosta – SETTING oral argument for Thursday, February 5, 2015, at 10:00AM, on Plaintiffs' Motion for Entry of Default <i>Against the Defendant Mooney DHS–Certified Family and Defendant Mooney</i> <u>230</u> .(peg) (Entered: 01/20/2015)
01/20/2015	242	Clerk's Notice of Mailing to James Earl Mooney regarding Scheduling 241 . (peg) (Entered: 01/20/2015)
01/22/2015	<u>243</u>	Notice of Association of Attorney Tracy J. White, Tracy J. White for Todd Kwapisz, Tracy J. White for Jason Walling, Tracy J. White for Alexandria Majors, Tracy J. White for Stacey Daeschner, Tracy J. White for Norene Ballard, Tracy J. White for Jennifer Carranza, Tracy J. White for Mary Stovin, Tracy J. White for Kevin McCarrell, Tracy J. White for Angelica Quintero, Tracy J. White for Melissa Lara, Tracy J. White for Linda Lawing, Tracy J. White for Virginia White, Tracy J. White for Andy Moszer, Tracy J. White for Jennifer

		Milsap, Tracy J. White for Oregon Department of Human Services (DHS), Tracy J. White for Sylvia Mullenau, Tracy J. White for Norma Acevedo-Kohout, Tracy J. White for Dawn Hunter, Tracy J. White for Michelle Brown, Tracy J. White for Judi Martin, Tracy J. White for Dawn Roth. (<i>titled "Notice of Association Adding Tracy White as Additional Counsel of Record"</i>) Filed by Todd Kwapisz, Jason Walling, Alexandria Majors, Stacey Daeschner, Norene Ballard, Jennifer Carranza, Mary Stovin, Kevin McCarrell, Angelica Quintero, Melissa Lara, Linda Lawing, Virginia White, Andy Moszer, Jennifer Milsap, Oregon Department of Human Services (DHS), Sylvia Mullenau, Norma Acevedo-Kohout, Dawn Hunter, Michelle Brown, Judi Martin, Dawn Roth (White, Tracy) (Entered: 01/22/2015)
01/26/2015	<u>244</u>	Response to Motion to Certify the Class <i>Motion to Certify a Class of Persons 221</i> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 01/26/2015)
02/03/2015	<u>245</u>	Motion for Settlement Conference (<i>Oral Argument Waived</i>). Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 02/03/2015)
02/03/2015	<u>246</u>	Declaration of James S. Smith in Support of Defendants' Motion for a Settlement Conference . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Settlement, <u>245</u> .) (Smith, James) (Entered: 02/03/2015)
02/04/2015	247	SCHEDULING ORDER by Judge Acosta – (1) Plaintiffs' reply to defendants' response to the motion to certify the class <u>221</u> is now due on or before 2/12/2015. (2) The court will now take the motion to certify the class under advisement as of 2/17/2015. (Entered: 02/04/2015)
02/04/2015	248	Clerk's Notice of Mailing to James Earl Mooney a copy of scheduling order 247 . (peg) (Entered: 02/04/2015)
02/04/2015	249	SCHEUDLING ORDER by Judge Acosta – Defendants' motion for settlement conference <u>245</u> will be discussed at the 2/5/2015 hearing on plaintiffs' motion for entry of default against the defendant Mooney DHS-Certified family and defendant Mooney at 10:00AM in Portland Courtroom 11B before Magistrate Judge John V. Acosta. (peg) (Entered: 02/04/2015)
02/04/2015	250	Clerk's Notice of Mailing to James Earl Mooney copy of Scheduling Order 249 . (peg) (Entered: 02/04/2015)
02/05/2015	251	MINUTES of Proceedings: Motion Hearing held by Judge Acosta on plaintiffs' motion <u>230</u> for default and defendants' motion <u>245</u> for settlement. ORDER: (1) DEFERRING ruling on motion <u>230</u> for default pending the court's ruling on motion <u>183</u> to dismiss and strike. (2) DENYING without prejudice motion to compel settlement conference. (3) No later than 2/19/15, the parties are to email Judge Acosta or hand-deliver to the court a comprehensive deposition list of persons to be deposed, dates and time allotted. (4) No later than 2/12/15, defendants are to file their motion for protective order. (5) Plaintiff's opposition/response is due no later than 2/19/15. (6) Oral argument on the protective order is set for Friday, February 27, 2015, at 10:00AM, in Courtroom 11B, before Magistrate Judge John V. Acosta. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). James Smith present as counsel for defendant(s). (Court Reporter Jill Erwin.) (peg) (Entered: 02/05/2015)
02/05/2015	252	Clerk's Notice of Mailing to James Earl Mooney regarding –Hearing held and rulings 251 . (peg) (Entered: 02/05/2015)

02/12/2015	<u>253</u>	Motion for the Return of Inadvertently Produced Privileged Materials. ORAL ARGUMENT REQUESTED – EXPEDITED CONSIDERATION requested. Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>254</u>	Declaration of James S. Smith in Support of Motion for Return of Privileged Material . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion – Miscellaneous,, <u>253</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>255</u>	Declaration of Tracey Powers . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion – Miscellaneous,, <u>253</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>256</u>	Motion for Protective Order <i>Concerning the Depositions of DHS Management</i> . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>257</u>	Declaration of State Defendants' Counsel in Support of State Defendants' Motion for a Protective Order . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Protective Order, <u>256</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>258</u>	Declaration of DHS Director Erinn Kelley–Siel . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Protective Order, <u>256</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>259</u>	Declaration of Kevin George . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Protective Order, <u>256</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>260</u>	Declaration of Sandy Dugan . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Protective Order, <u>256</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>261</u>	Declaration of Lois Day in Support of State Defendants' Motion for a Protective Order . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Protective Order, <u>256</u> .) (Smith, James) (Entered: 02/12/2015)

02/12/2015	<u>262</u>	Declaration of Stacey Ayers . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Protective Order, <u>256</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>263</u>	Declaration of Jerry Waybrant . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Motion for Protective Order, <u>256</u> .) (Smith, James) (Entered: 02/12/2015)
02/12/2015	<u>264</u>	Motion for Extension of Time to file <i>Plaintiffs' Reply to State Defendants' Response to Plaintiffs' Motion to Certify a Class of Persons</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 02/12/2015)
02/12/2015	<u>265</u>	Declaration of Steven Rizzo in Support of Motion to Extend Time to File <i>Plaintiffs' Reply to State Defendants' Response to Plaintiffs' Motion to Certify a Class of Persons</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Extension of Time, <u>264</u> .) (Rizzo, Steven) (Entered: 02/12/2015)
02/13/2015	266	ORDER by Judge Acosta – GRANTING plaintiffs' motion <u>264</u> to extend time to 2/17/2015 to file their reply to defendants' response to the motion to certify class <u>221</u> . The motion to certify will still be taken under advisement by the court on 2/17/2015. (peg) (Entered: 02/13/2015)
02/13/2015	267	SCHEDULING ORDER by Judge Acosta – GRANTING defendants' request for expedited consideration of their motion to return materials <u>253</u> and setting the following briefing schedule: (1) Plaintiff's response/opposition is due by 2/23/2015; (2) Defendants' reply is due by 3/2/2015; (3) Oral argument on defendants' motion <u>253</u> for return of materials is set for Wednesday, March 11, 2015, at 10:00AM, in Courtroom 11B. (peg) (Entered: 02/13/2015)
02/13/2015	268	Clerk's Notice of Mailing to James Earl Mooney copies of Order 266 and Scheduling Order 267 . (peg) (Entered: 02/13/2015)
02/13/2015	269	SCHEDULING ORDER by Judge Acosta – SETTING defendants' Motion for Protective Order <i>Concerning the Depositions of DHS Management</i> <u>256</u> on the same schedule as their motion for return of materials <u>253</u> : (1) Response is due by 2/23/2015. (2) Reply is due by 3/2/2015. (3) Oral Argument is set for 3/11/2015 at 10:00AM in Portland Courtroom 11B before Magistrate Judge John V. Acosta. (peg) (Entered: 02/13/2015)
02/13/2015	270	Clerk's Notice of Mailing to James Earl Mooney a copy of Scheduling Order 269 . (peg) (Entered: 02/13/2015)
02/17/2015	<u>271</u>	Reply to <i>State Defendants' Response to Motion to Certify the Class Motion to Certify a Class of Persons</i> <u>221</u> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 02/17/2015)
02/17/2015	<u>272</u>	Declaration of Steven Rizzo in Support of <i>Plaintiffs Reply to State Defendants' Response to Plaintiffs' Motion to Certify a Class of Persons</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Reply to Motion <u>271</u> .) (Attachments: # <u>1</u> Exhibit 1) (Rizzo, Steven) (Entered: 02/17/2015)
02/23/2015	<u>273</u>	Motion for Extension of Time to File <i>Plaintiffs' Response to State Defendants' Motion for Return of Inadvertently Produced Privileged Materials and Response to Motion Concerning the Depositions of DHS Management</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 02/23/2015)
02/23/2015	<u>274</u>	Declaration of Steven Rizzo in Support of <i>Motion to File Plaintiffs' Response to State Defendants' Motion for Return of Inadvertently Produced Privileged Materials and Response to Motion Concerning the Depositions of DHS Management</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Extension of Time, <u>273</u> .) (Rizzo, Steven) (Entered: 02/23/2015)

02/24/2015	275	ORDER by Judge Acosta – GRANTING plaintiff's unopposed motion <u>273</u> to extend the deadline for their response(s) to defendants' motions for return of inadvertently produced privileged materials and for protective order to 2/25/15. (peg) (Entered: 02/24/2015)
02/24/2015	276	SCHEDULING ORDER by Judge Acosta – SETTING oral argument for Thursday, April 16, 2015, at 10:00AM, on Defendants' Motion to Dismiss Third Amended Complaint <u>183</u> and Plaintiffs' Motion to Certify a Class of Persons <u>221</u> . (peg) (Entered: 02/24/2015)
02/24/2015	277	Clerk's Notice of Mailing to James Earl Mooney copies of Order on motion for extension of time 275 and Scheduling Order 276 . (peg) (Entered: 02/24/2015)
02/25/2015	<u>278</u>	Reply <i>In Opposition</i> to Motion for Protective Order <i>Concerning the Depositions of DHS Management</i> <u>256</u> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 02/25/2015)
02/25/2015	<u>279</u>	Declaration of <i>J. Michael Mattingly in Support of Plaintiffs Opposition to the State Defendants' Motion Concerning the Depositions of DHS Upper Management</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Reply to Motion <u>278</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N) (Rizzo, Steven) (Entered: 02/25/2015)
02/25/2015	<u>280</u>	Reply <i>to Motion for the Return of Inadvertently Produced Privileged Materials</i> to Motion <i>for the Return of Inadvertently Produced Privileged Materials</i> <u>253</u> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 02/25/2015)
02/25/2015	<u>281</u>	Declaration of <i>Steven Rizzo in Support of Plaintiffs Response to Motion for the Return of Inadvertently Produced Privileged Materials</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Reply to Motion, <u>280</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15) (Rizzo, Steven) (Entered: 02/25/2015)
02/25/2015	<u>282</u>	Motion to Compel <i>Response to Plaintiffs' Second Interrogatories to State Defendants</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 02/25/2015)
02/25/2015	<u>283</u>	Declaration of <i>Steven Rizzo in Support of Plaintiffs' Motion to Compel Response to Plaintiffs' Second Interrogatories to State Defendants</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to compel <u>282</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Rizzo, Steven) (Entered: 02/25/2015)
02/27/2015	284	SCHEDULING ORDER by Judge Acosta – Plaintiffs' motion <u>282</u> to compel response to plaintiffs' second interrogatories to State defendants will be taken under advisement as of 3/16/2015. (peg) (Entered: 02/27/2015)
02/27/2015	285	Clerk's Notice of Mailing to James Earl Mooney a copy of Scheduling order 284 . (peg) (Entered: 02/27/2015)
03/04/2015	<u>286</u>	Reply <i>to Plaintiffs' Opposition to Defendants' Motion for a Protective Order Concerning the Depositions of DHS Management</i> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Reply to Motion <u>278</u> .) (Smith, James) (Entered: 03/04/2015)
03/04/2015	<u>287</u>	Supplemental Declaration of James S. Smith in Support of Defendants' Motion for a Protective Order Concerning the Depositions of DHS Management . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Reply,, <u>286</u> .) (Smith, James) (Entered: 03/04/2015)

03/04/2015	<u>288</u>	Reply (titled "Reply Concerning Motion for the Return of Privileged Material") to Motion for the Return of Inadvertently Produced Privileged Materials <u>253</u> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 03/04/2015)
03/04/2015	<u>289</u>	Supplemental Declaration of Tracey Powers in Support of Motion for Return of Privileged Materials . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Related document(s): Reply to Motion,, <u>288</u> , Motion – Miscellaneous,, <u>253</u> .) (Smith, James) (Entered: 03/04/2015)
03/06/2015	<u>290</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Motion Hearing held on February 5, 2015, before Judge John V. Acosta, Court Reporter Jill L. Erwin, telephone number (503)326-8191. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter at (503)326-8191 or PACER-See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 3/16/2015. Redaction Request due 3/30/2015. Redacted Transcript Deadline set for 4/9/2015. Release of Transcript Restriction set for 6/8/2015. (Erwin, Jill) (Entered: 03/06/2015)
03/11/2015	<u>291</u>	MINUTES of Proceedings: Motion Hearing held before Judge Acosta on Defendants' motions for protective order <u>256</u> and for return of inadvertently produced privileged materials <u>253</u> Steven Rizzo, Michael Mattingly present as counsel for plaintiff(s). Court Reporter: Jill Erwin. Magistrate Judge John V. Acosta presiding. (peg) (Additional attachment(s) added on 3/11/2015 – (SEALED) # <u>1</u> Attachment) (peg). (Entered: 03/11/2015)
03/11/2015	<u>292</u>	SUPPLEMENTAL ORDER as to Motion Hearing <u>291</u> held before Magistrate Judge John V. Acosta on 3/11/15 – Defendants have until noon on 3/16/2015, to notify Plaintiffs' counsel and the court if they object to moving forward with the depositions of Sharla Canfield and Jennifer Foley. (peg) (Entered: 03/12/2015)
03/12/2015	<u>293</u>	Clerk's Notice of Mailing to James Earl Mooney copies of Order 292 and Motion Hearing Held <u>291</u> . (peg) (Entered: 03/12/2015)
03/16/2015	<u>294</u>	Response to Motion to Compel <i>Response to Plaintiffs' Second Interrogatories to State Defendants</i> <u>282</u> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 03/16/2015)
03/19/2015	<u>295</u>	SCHEDULING ORDER by Judge Acosta – CHANGING the START TIME ONLY from 10:00AM to 11:00AM of the oral argument hearing set for April 16, 2015 on State Defendants' motion to dismiss <u>183</u> and Plaintiffs' motion to certify the class <u>221</u> . (peg) (Entered: 03/19/2015)
03/19/2015	<u>296</u>	Clerk's Notice of Mailing to James Earl Mooney a copy of Scheduling Order 295 . (peg) (Entered: 03/19/2015)
03/20/2015	<u>297</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Oral Argument held on March 11, 2015, before Judge John V. Acosta, Court Reporter Jill L. Erwin, telephone number (503)326-8191. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter at (503)326-8191 or PACER-See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 3/30/2015. Redaction Request due 4/13/2015. Redacted Transcript Deadline set for 4/23/2015. Release of Transcript Restriction set for 6/22/2015. (Erwin, Jill) (Entered: 03/20/2015)

04/01/2015	<u>298</u>	Notice of Attorney Substitution: Attorney Andrew D. Campbell is substituted as counsel of record in place of Attorney Dirk L. Pierson Filed by Todd Kwapisz, Jason Walling, Alexandria Majors, Stacey Daeschner, Norene Ballard, Jennifer Carranza, Mary Stovin, Kevin McCarrell, Angelica Quintero, Melissa Lara, Linda Lawing, Virginia White, Andy Moszer, Jennifer Milsap, Oregon Department of Human Services (DHS), Sylvia Mullenaux, Norma Acevedo-Kohout, Dawn Hunter, Michelle Brown, Judi Martin, Dawn Roth (Smith, James) (Entered: 04/01/2015)
04/07/2015	<u>299</u>	OPINION and ORDER on Plaintiffs' motion <u>282</u> to compel. Defendants shall provide its supplemental answers to the interrogatories as to which the court granted plaintiffs' motion within 21 days of the date of entry of this order. IT IS SO ORDERED. DATED this 7th day of April, 2015, by United States Magistrate Judge John V. Acosta. (see full 8-page document attached to this entry for detailed rulings) (peg) (Main Document replaced on 4/8/2015 with corrected PDF with the correct signature date of 4/7/2015.) (eo) (Entered: 04/07/2015)
04/08/2015	300	Order for Administrative Correction of the Record pursuant to Fed. R. Civ. P. 60(a) regarding Opinion and Order <u>299</u> . A Clerical error has been discovered in the case record. The Clerk is directed to make the following administrative corrections to the record: the signature date/year on this document reads "2014" and is hereby corrected to read "2015". (peg) (Entered: 04/08/2015)
04/08/2015	301	SCHEDULING ORDER by Judge Acosta – At request of counsel, the court SETS a Status Conference for 4/16/15, at 11:00AM, to discuss a limited extension of the discovery deadline. This conference will take place as part of the oral argument hearing already scheduled for that date and time. (peg) (Entered: 04/08/2015)
04/08/2015	302	Clerk's Notice of Mailing to James Earl Mooney re Scheduling Order 301 . (peg) (Entered: 04/08/2015)
04/16/2015	303	MINUTES of Proceedings: Motion Hearing held by Judge Acosta. ORDER – (1) Defendants' Motion to dismiss <u>183</u> and Plaintiffs' motion to certify class <u>221</u> are taken under advisement as of 4/16/2015. (2) STAYING all formal proceedings and discovery in this matter pending a Telephone Status/Scheduling Conference on Monday, June 1, 2015, at 10:00AM. The Court will provide the parties with a call-in number by separate email prior to the date of the hearing. Parties are to be on the line and ready to start promptly at the designated start time. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). James Smith, Andrew Campbell present as counsel for defendant(s). Court Reporter: Jill Erwin. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 04/16/2015)
04/16/2015	304	Clerk's Notice of Mailing to James Earl Mooney regarding Motion Hearing 303 . (peg) (Entered: 04/16/2015)
05/12/2015	<u>305</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Motion Hearing held on April 16, 2015, before Judge John V. Acosta, Court Reporter Jill L. Erwin, telephone number (503)326-8191. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter at (503)326-8191 or PACER-See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 5/22/2015. Redaction Request due 6/5/2015. Redacted Transcript Deadline set for 6/15/2015. Release of Transcript Restriction set for 8/13/2015. (Erwin, Jill) (Entered: 05/12/2015)
06/01/2015	306	MINUTES of Proceedings: Telephone Status/Scheduling Conference held by Judge Acosta. ORDER: (1) The discovery stay in this matter is lifted and fact discovery is now to be completed by 7/31/15. (2) Defendants' supplemental responses to plaintiff's interrogatories are to be completed by 6/15/15. (3) Defense counsel to provide an order for plaintiffs' review regarding access to the adoption study/records. (4) DEFERRING at this time the filing of dispositive motions, a joint pretrial order and the setting of an expert disclosure deadline. (5) SETTING an additional Telephone Status/Scheduling Conference for Friday, September 4, 2015, at 10:00AM. The Court will provide the parties with a call-in number by separate email prior to the date of the hearing. Parties are to be on the line and ready to start promptly at the designated start time. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). James Smith, Andrew Campbell present as counsel for defendant(s). Court Reporter: None. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 06/01/2015)

06/01/2015	307	Clerk's Notice of Mailing to James Earl Mooney regarding Telephone Scheduling/Status Conference 306 . (peg) (Entered: 06/01/2015)
06/08/2015	<u>308</u>	FINDINGS and RECOMMENDATION – For the reasons stated, the court should GRANT in part and DENY in part Defendants Motion to Dismiss <u>183</u> . Pursuant to that ruling, the court should dismiss with prejudice Plaintiffs' fifth federal claim, fifth state claim, and ninth state claim. In addition, the court should GRANT Defendants' Motion for a More Definite Statement <u>183</u> ; DISMISS Plaintiffs' claims against the "DHS–Certified Mooney Family;" DENY as moot Plaintiffs' Motion for Default Judgment <u>230</u> ; DENY as moot Defendants' Motion to Strike <u>183</u> ; and DENY Plaintiffs' Motion to Certify a Class of Persons <u>221</u> . Objections to the Findings and Recommendation are due by 6/22/2015. DATED this 8th day of June 2015, by United States Magistrate Judge John V. Acosta. (peg) (Entered: 06/08/2015)
06/08/2015	309	ORDER by Judge Acosta – REFERRING Findings and Recommendation <u>308</u> regarding State Defendants' FRCP 12 Motions Against the Third Amended Complaint <u>183</u> , Plaintiffs' Motion to Certify a Class of Persons <u>221</u> and Plaintiffs' Motion for Entry of Default Against the Defendant Mooney DHS–Certified Family and Defendant Mooney <u>230</u> to the Honorable Anna J. Brown for review. The Findings and Recommendation will be referred to a district judge. Objections, if any, are due on June 22, 2015. If no objections are filed, the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due within fourteen days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement. (peg) (Entered: 06/08/2015)
06/08/2015	310	Clerk's Notice of Mailing to James Earl Mooney copies of Findings & Recommendation <u>308</u> and Order of Referral 309 . (peg) (Entered: 06/08/2015)
06/22/2015	<u>311</u>	Objections to Findings & Recommendation: Motion to Dismiss (<i>titled "State Defendants' FRCP 12 Motions Against the Third Amended Complaint"</i>) <u>183</u> , Motion to Certify the Class <i>Motion to Certify a Class of Persons</i> <u>221</u> , Motion for Ent <u>308</u> . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenaux, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 06/22/2015)
06/22/2015	<u>312</u>	Objections to Findings & Recommendation: Motion to Dismiss (<i>titled "State Defendants' FRCP 12 Motions Against the Third Amended Complaint"</i>) <u>183</u> , Motion to Certify the Class <i>Motion to Certify a Class of Persons</i> <u>221</u> , Motion for Ent <u>308</u> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 06/22/2015)
06/22/2015	<u>313</u>	AMENDED FINDINGS and RECOMMENDATION – (Amended to conform the conclusion to the body of the document.). For the aforementioned reasons, the court should GRANT in part and DENY in part Defendants Motion to Dismiss <u>183</u> . Pursuant to that ruling, the court should dismiss without prejudice Plaintiffs' fifth federal claim and fifth state claim, and dismiss with prejudice Plaintiffs' ninth state claim. In addition, the court should GRANT Defendants' Motion for a More Definite Statement <u>183</u> ; DISMISS with prejudice Plaintiffs' claims against the "DHS Certified Mooney Family;" DENY as moot Plaintiffs' Motion for Default Judgment <u>230</u> ; DENY as moot Defendants' Motion to Strike <u>183</u> ; and DENY Plaintiffs' Motion to Certify a Class of Persons <u>221</u> . Objections to the Findings and Recommendation are due by 7/9/2015. Signed on 6/22/15 by Magistrate Judge John V. Acosta. (peg) (Entered: 06/23/2015)
06/23/2015	314	ORDER by Judge Acosta – REFERRING Amended Findings and Recommendation <u>313</u> (regarding Motion to Dismiss (<i>titled "State Defendants' FRCP 12 Motions Against the Third Amended Complaint"</i>) <u>183</u> , Motion to Certify the Class <i>Motion to Certify a Class of Persons</i> <u>221</u> and Motion for Entry of Default Against the Defendant Mooney DHS–Certified Family and Defendant Mooney <u>230</u>) to the Honorable Anna J. Brown for review. (peg) (Entered: 06/23/2015)
06/23/2015	315	ORDER – STRIKING Findings & Recommendation <u>308</u> and the referral of Findings & Recommendation <u>308</u> to Judge Brown, as an Amended Findings & Recommendation <u>313</u> has been issued and now been referred to Judge Brown. The Amended Findings and Recommendation <u>313</u> has been issued to conform the conclusion of the original Findings and Recommendation <u>308</u> to the wording in the body of that document. (peg) (Entered: 06/23/2015)

06/23/2015	<u>316</u>	Clerk's Notice of Mailing to James Earl Mooney copies of Order 315 , Order of Referral 314 and Amended Findings & Recommendation <u>313</u> . (peg) (Entered: 06/23/2015)
06/24/2015	<u>317</u>	Objections (<i>titled "State Defendants' Objection to Amended Findings and Recommendation"</i>) to Findings & Recommendation: Motion to Dismiss (<i>titled "State Defendants' FRCP 12 Motions Against the Third Amended Complaint"</i>) <u>183</u> , Motion to Certify the Class <i>Motion to Certify a Class of Persons</i> <u>221</u> , Motion for Ent <u>313</u> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 06/24/2015)
06/24/2015	<u>318</u>	Objections to Findings & Recommendation: Motion to Dismiss (<i>titled "State Defendants' FRCP 12 Motions Against the Third Amended Complaint"</i>) <u>183</u> , Motion to Certify the Class <i>Motion to Certify a Class of Persons</i> <u>221</u> , Motion for Ent <u>313</u> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 06/24/2015)
07/01/2015	<u>319</u>	Response to Objections to Findings & Recommendation. (<i>titled "State Defendants' Response to Plaintiffs' Objections to Amended Findings and Recommendation"</i>) Related document(s): <u>318</u> Objections to Findings & Recommendation,. Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 07/01/2015)
07/06/2015	<u>320</u>	Response to Objections to Findings & Recommendation. <i>Response to State Defendants' Objection to Amended Findings & Recommendation</i> Related document(s): <u>317</u> Objections to Findings & Recommendation,,,. Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 07/06/2015)
07/08/2015	<u>321</u>	Mail Returned – Undeliverable: Status Conference 306 sent to James Earl Mooney returned as undeliverable. Re-sent 7/9/15 with full address. (dsg) (Entered: 07/09/2015)
09/03/2015	<u>322</u>	ORDER: The Court ADOPTS Magistrate Judge Acostas Amended Findings and Recommendation <u>313</u> . The Court, therefore, DENIES Plaintiffs Motion <u>221</u> to Certify a Class of Persons; DENIES as moot Plaintiffs Motion <u>230</u> for Default Judgment; DENIES as moot Defendants Motion <u>183</u> to Strike; GRANTS Defendants Motion (<u>183</u> for a More Definite Statement; and GRANTS in part DENIES in part Defendants Motion <u>183</u> to Dismiss as stated in the attached Order. To clarify for Plaintiff the claims he may replead and the time limit by which he may replead those claims, the Court requests the Magistrate Judge issue a case-management order. Signed on 09/03/2015 by Judge Anna J. Brown. See attached 4 page Order. (bb) (Entered: 09/03/2015)
09/04/2015	<u>323</u>	MINUTES of Proceedings: Telephone Status/Scheduling Conference held by Judge Acosta. ORDER: (1) Plaintiffs to file the anticipated discovery motion no later than 9/18/15. (2) Plaintiffs to provide defense counsel with their proposed amended complaint by 10/7/15. (3) Plaintiffs to file their amended complaint by 10/14/15. (4) Fact Discovery is to be completed by 10/30/15. (5) Dispositive Motions are due by 2/8/16. (6) Within 60 days of the court's ruling on any dispositive motions, parties are to exchange their expert reports. (7) Within 30 days of the parties expert disclosures, rebuttal expert reports are to be exchanged. (8) Expert Discovery closes 45 days after the rebuttal expert reports are exchanged. (9) All other deadlines deferred at this time. Steven Rizzo, Michael Mattingly present as counsel for plaintiff(s). James Smith, Andrew Campbell present as counsel for defendant(s). Court Reporter: Dennis Apodaca. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 09/04/2015)
09/18/2015	<u>324</u>	Motion to Compel <i>Identification of Certification File Review Author, and Motion for Terms Based on Violation of Discovery Order</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 09/18/2015)
09/18/2015	<u>325</u>	Declaration of J. Michael Mattingly in Support of <i>Identification of Certification File Review Author, and Motion for Terms Based on Violation of Discovery Order</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to compel, <u>324</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)

		(Rizzo, Steven) (Entered: 09/18/2015)
09/18/2015	<u>326</u>	Exhibits re Motion to Compel <i>Identification of Certification File Review Author, and Motion for Terms Based on Violation of Discovery Order 324</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Attachments: # <u>1</u> Exhibit Sealed Ex. A, # <u>2</u> Exhibit Sealed Ex. B, # <u>3</u> Exhibit Sealed Ex. C, # <u>4</u> Exhibit Sealed Ex. D) (Rizzo, Steven) (Entered: 09/18/2015)
09/21/2015	<u>327</u>	Notice re Motion to compel, <u>324</u> <i>Notice Requesting Oral Argument on Plaintiffs' Expedited Motion to Compel Identification of Certification File Review Author and Motion for Terms Based on Violation of Discovery Order (Docket 324)</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S. (Related document(s): Motion to compel, <u>324</u> .) (Rizzo, Steven) (Entered: 09/21/2015)
09/29/2015	<u>328</u>	SCHEDULING ORDER by Judge Acosta – Plaintiffs' motion <u>324</u> to compel and for terms, will be taken under advisement by the court as of 10/26/15; the request for oral argument will be considered in due course. (peg) (Entered: 09/29/2015)
09/29/2015	<u>329</u>	Clerk's Notice of Mailing to James Earl Mooney regarding Scheduling 328 . (peg) (Entered: 09/29/2015)
10/01/2015	<u>330</u>	Response to Motion to Compel <i>Identification of Certification File Review Author, and Motion for Terms Based on Violation of Discovery Order 324</i> . Filed by Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 10/01/2015)
10/14/2015	<u>331</u>	Motion for Leave <i>To Amend</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/14/2015)
10/14/2015	<u>332</u>	Declaration of <i>J. Michael Mattingly in Support of Plaintiffs' Motion for Leave to Amend</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Leave <u>331</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Rizzo, Steven) (Entered: 10/14/2015)
10/14/2015	<u>333</u>	Amended Complaint <i>Fourth Amended Complaint and Jury Trial Demand</i>. Filed by E. K., A. G., K. R., D. S., B. J., J. B., E. PD., M. F., S. B. against Norma Acevedo–Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Jane or John Doe Defendants 1–15, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, James Earl Mooney, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White, Kevin George. (Rizzo, Steven) Modified on 10/15/2015 (sealed pursuant to order #334, striking the filing)(peg). (Entered: 10/14/2015)
10/15/2015	<u>334</u>	ORDER by Judge Acosta – DENYING Plaintiff's Motion for Leave to Amend <u>331</u> with right to refile. FURTHER ORDERED – STRIKING the Fourth Amended Complaint <u>333</u> . If Plaintiff wishes to refile the opposed motion for leave to amend, the motion is to have the "proposed" fourth amended complaint attached th the new motion as an exhibit. (peg) (Entered: 10/15/2015)
10/15/2015	<u>335</u>	Clerk's Notice of Mailing to James Earl Mooney regarding Order on motion for Leave 334 . (peg) (Entered: 10/15/2015)
10/15/2015	<u>336</u>	Motion for Leave <i>to Amend Proposed Fourth Amended Complaint</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 10/15/2015)
10/15/2015	<u>337</u>	Declaration of <i>J. Michael Mattingly in Support of Plaintiffs' Motion for Leave to Amend Proposed Fourth Amended Complaint</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Leave <u>336</u> .) (Attachments: # <u>1</u> A, # <u>2</u> B, # <u>3</u> C, # <u>4</u> D, # <u>5</u> E, # <u>6</u> F) (Rizzo, Steven) (Entered: 10/15/2015)
10/16/2015	<u>338</u>	SCHEDULING ORDER by Judge Acosta – Plaintiffs' opposed motion <u>336</u> for leave to file fourth amended complaint shall be taken under advisement by the court as of 11/17/15. (peg) (Entered: 10/16/2015)

10/16/2015	339	Clerk's Notice of Mailing to James Earl Mooney a copy of Scheduling Order 338 . (peg) (Entered: 10/16/2015)
10/21/2015	<u>340</u>	Response (<i>titled "State Defendants' Response to Plaintiffs' Motion for Leave to File a Fourth Amended Complaint Adding Claims Against Kevin George"</i>) to Motion for Leave to Amend Proposed Fourth Amended Complaint <u>336</u> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenaux, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 10/21/2015)
10/26/2015	<u>341</u>	Reply to State Defendants' Response to Motion for Leave to Amend Proposed Fourth Amended Complaint <u>336</u> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 10/26/2015)
11/04/2015	342	SCHEDULING ORDER by Judge Acosta – SETTING plaintiffs' motion <u>324</u> to compel for oral argument on Wednesday, December 16, 2015, at 10:00AM, in Portland, Courtroom 11B, before Magistrate Judge John V. Acosta. (peg) (Entered: 11/04/2015)
11/05/2015	343	SCHEDULING ORDER by Judge Acosta – SETTING plaintiffs' motion <u>336</u> for leave to file a fourth amended complaint for oral argument in conjunction with the hearing set regarding plaintiffs' motion to compel – Wednesday, December 16, 2015, at 10:00AM, in Courtroom 11B, before U.S. Magistrate Judge John V. Acosta. (peg) (Entered: 11/05/2015)
11/05/2015	344	Clerk's Notice of Mailing to James Earl Mooney regarding Scheduling Orders 342 and 343 . (peg) (Entered: 11/05/2015)
11/10/2015	<u>345</u>	Scheduling Order by Judge Michael J. McShane. Settlement Conference is set for 12/17/2015 at 09:00AM in Eugene chambers before Judge Michael J. McShane. Presence of all parties with settlement authority required. This includes anyone who is to have input on the decision of whether or not to settle the case. If any of the parties is going to seek input from a third person(s) regarding decisions associated with the settlement of a case, that third person should be present during all phases of the settlement process. Ordered parties to submit settlement document to the court by 5:00PM, 12/10/2015, in which they state realistic proposals they are willing to make or accept to resolve this case. PLEASE SEE ATTACHED INSTRUCTIONS REGARDING SETTLEMENT DOCUMENT. Ordered by Judge Michael J. McShane. (cp) (Entered: 11/10/2015)
12/01/2015	<u>346</u>	Notice of Association of Attorney Allison Voitalla, Allison Voitalla for Todd Kwapisz, Allison Voitalla for Jason Walling, Allison Voitalla for Alexandria Majors, Allison Voitalla for Stacey Daeschner, Allison Voitalla for Norene Ballard, Allison Voitalla for Jennifer Carranza, Allison Voitalla for Mary Stovin, Allison Voitalla for Kevin McCarrell, Allison Voitalla for Angelica Quintero, Allison Voitalla for Melissa Lara, Allison Voitalla for Linda Lawing, Allison Voitalla for Virginia White, Allison Voitalla for Andy Moszer, Allison Voitalla for Jennifer Milsap, Allison Voitalla for Oregon Department of Human Services (DHS), Allison Voitalla for Sylvia Mullenaux, Allison Voitalla for Norma Acevedo-Kohout, Allison Voitalla for Dawn Hunter, Allison Voitalla for Michelle Brown, Allison Voitalla for Judi Martin, Allison Voitalla for Dawn Roth. (<i>titled "Notice of Association adding Allison Voitalla as Counsel of Record"</i>) Filed by Todd Kwapisz, Jason Walling, Alexandria Majors, Stacey Daeschner, Norene Ballard, Jennifer Carranza, Mary Stovin, Kevin McCarrell, Angelica Quintero, Melissa Lara, Linda Lawing, Virginia White, Andy Moszer, Jennifer Milsap, Oregon Department of Human Services (DHS), Sylvia Mullenaux, Norma Acevedo-Kohout, Dawn Hunter, Michelle Brown, Judi Martin, Dawn Roth (Voitalla, Allison) (Entered: 12/01/2015)
12/16/2015	347	MINUTES of Proceedings: Motion hearing held before Judge Acosta. ORDER: (1) DENYING as MOOT that portion of plaintiff's motion <u>324</u> to compel with regard to interrogatory #15. (2) Taking under advisement this date that portion of motion to compel <u>324</u> as to the certification review document as well as motion <u>336</u> for leave to file an amended complaint. Michael Mattingly, Steven Rizzo present as counsel for plaintiff(s). James Smith present as counsel for defendant(s). (Court Reporter Bonita Shumway.) Magistrate Judge John V. Acosta presiding. (peg) (Entered: 12/16/2015)
12/16/2015	348	Clerk's Notice of Mailing to James Earl Mooney a copy of Order on Motion to Compel, Order on motion for Leave to file and record of proceedings 347 . (peg) (Entered: 12/16/2015)

12/17/2015	351	MINUTES of Proceedings: Settlement Conference held. Case settles. Steve Rizzo, Michael Mattingly and Mary Skjelset present as counsel for plaintiffs. James S. Smith and Ken Crowley present as counsel for defendants. Court Reporter: Kristi Anderson. Judge Michael J. McShane presiding. (cp) (Entered: 12/18/2015)
12/18/2015	349	ORDER by Judge Acosta – On December 17, 2015, Judge McShane reported to the court that, as a result of the settlement conference he conducted on that date, the parties reached a settlement of this case and put their agreement on the record. Accordingly, the court DENIES AS MOOT the plaintiffs' pending discovery sanctions request included in plaintiffs' motion <u>191</u> to compel and memorandum in support (#192), plaintiffs' motion <u>336</u> for leave to file a fourth amended complaint, and plaintiffs' motion <u>324</u> to compel, which motion also sought an order to show cause regarding the author and origin of a certification file review document. All other motions and requests not specifically mentioned herein are DENIED AS MOOT. FURTHER ORDERED that the parties shall file no later than February 19, 2016, their stipulation for dismissal with prejudice and any other documents the parties deem necessary in this case to accomplish dismissal. (peg) (Entered: 12/18/2015)
12/18/2015	350	Clerk's Notice of Mailing to James Earl Mooney regarding Order,,, 349 . (peg) (Entered: 12/18/2015)
02/17/2016	352	Scheduling Order by Judge Michael J. McShane. Status Conference is set for 3/3/2016 at 02:00PM in Portland Courtroom 12A before Judge Michael J. McShane. Ordered by Judge Michael J. McShane. (cp) (Entered: 02/17/2016)
02/19/2016	<u>353</u>	Unopposed Motion for Extension of Time to <i>Finalize the Dismissal of this Action</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 02/19/2016)
02/19/2016	<u>354</u>	Declaration of <i>Steven Rizzo in support of Motion to Extend Time to Finalize the Dismissal of this Action</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Extension of Time <u>353</u> .) (Rizzo, Steven) (Entered: 02/19/2016)
02/19/2016	355	ORDER by Judge Acosta – GRANTING plaintiffs' unopposed motion <u>353</u> as follows: The parties shall file no later than April 19, 2016, their stipulation for dismissal with prejudice and any other documents the parties deem necessary in this case to accomplish dismissal. (peg) (Entered: 02/19/2016)
02/19/2016	356	Clerk's Notice of Mailing to James Earl Mooney regarding Order on motion for extension of time 355 . (peg) (Entered: 02/19/2016)
03/03/2016	357	MINUTES of Proceedings: Status Conference held. Parties have three weeks to submit final documents or competing drafts to be ruled upon. Steven V. Rizzo present as counsel for plaintiffs. James S. Smith present as counsel for defendants. Judge Michael J. McShane presiding. (cp) (Entered: 03/10/2016)
03/24/2016	<u>358</u>	<i>Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 03/24/2016)
03/24/2016	<u>359</u>	Declaration of <i>Steven Rizzo in support of Plaintiffs' Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion – Miscellaneous <u>358</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Proposed Order LR 3–7 Order) (Rizzo, Steven) (Entered: 03/24/2016)
03/24/2016	<u>360</u>	<i>Motion to Establish Qualified Settlement Fund</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 03/24/2016)
03/24/2016	<u>361</u>	Declaration of <i>Steven Rizzo in Support of Motion to Establish Qualified Settlement Fund</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion – Miscellaneous <u>360</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Rizzo, Steven) (Entered: 03/24/2016)
03/28/2016	362	SCHEDULING ORDER by Judge Acosta as to Plaintiffs' motion <u>358</u> to approve reasonableness of the settlement and to seal the allocation of settlement proceeds <u>358</u> and Plaintiffs' motion <u>360</u> to establish qualified settlement fund – SETTING these two motions

		for oral argument on Wednesday, April 13, 2016, at 9:30AM, in Portland, Courtroom 11B, before United States Magistrate Judge John V. Acosta. Any filings in response to these two motions are due no later than 12:00PM, on Friday, 4/8/16. (peg) (Entered: 03/28/2016)
03/28/2016	<u>363</u>	Brief (<i>titled "State Defendants' Brief Concerning Confidentiality of Settlement"</i>). Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Kevin George, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 03/28/2016)
03/28/2016	<u>364</u>	Brief <i>Plaintiffs' Supplemental Memorandum in Support of Confidentiality</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion – Miscellaneous <u>358</u> .) (Rizzo, Steven) (Entered: 03/28/2016)
03/31/2016	<u>365</u>	Response to Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds <u>358</u> . Filed by Norma Acevedo-Kohout, Norene Ballard, Michelle Brown, Jennifer Carranza, Stacey Daeschner, Kevin George, Dawn Hunter, Todd Kwapisz, Melissa Lara, Linda Lawing, Alexandria Majors, Judi Martin, Kevin McCarrell, Jennifer Milsap, Andy Moszer, Sylvia Mullenau, Oregon Department of Human Services (DHS), Angelica Quintero, Dawn Roth, Mary Stovin, Jason Walling, Virginia White. (Smith, James) (Entered: 03/31/2016)
04/01/2016	366	SCHEDULING ORDER by Judge Acosta – STRIKING the oral argument setting of 4/13/16, from Judge Acosta's calendar as to Motion to Establish Qualified Settlement Fund <u>360</u> and Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds <u>358</u> . Judge McShane will schedule and address these two motions. (peg) (Entered: 04/01/2016)
04/01/2016	367	Clerk's Notice of Mailing to James Earl Mooney regarding Scheduling Order 366 . (peg) (Entered: 04/01/2016)
04/04/2016	<u>368</u>	Motion to Amend/Correct <i>Motion to File Amended Declaration of Counsel In Support of Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 04/04/2016)
04/04/2016	<u>369</u>	Amended Declaration of Steven Rizzo in support of Plaintiffs' Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds. (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion to Amend/Correct, <u>368</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Rizzo, Steven) (Entered: 04/04/2016)
04/05/2016	370	ORDER: Granting <u>368</u> Motion to File Amended Declaration of Counsel In Support of Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds. Ordered by Judge Michael J. McShane. (cp) (Entered: 04/05/2016)
04/05/2016	371	Scheduling Order by Judge Michael J. McShane: Oral Argument regarding Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds <u>358</u> and Motion to Establish Qualified Settlement Fund <u>360</u> is set for 4/15/2016 at 10:00AM in Portland Courtroom 12A before Judge Michael J. McShane. Ordered by Judge Michael J. McShane. (cp) (Entered: 04/05/2016)
04/13/2016	372	Scheduling Order by Judge Michael J. McShane: Oral Argument regarding Motion to Approve Reasonableness of the Settlement and to Seal the Allocation of Settlement Proceeds <u>358</u> and Motion to Establish Qualified Settlement Fund <u>360</u> set for 4/15/2016 at 10:00AM will be heard in Portland Courtroom 15B before Judge Michael J. McShane. Ordered by Judge Michael J. McShane. (cp) (Entered: 04/13/2016)
04/15/2016	<u>373</u>	Withdrawal of Claim <i>Notice of Withdrawal of State Law Claims Against the State Defendants</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 04/15/2016)
04/15/2016	380	MINUTES of Proceedings: Motion Hearing Held on Motion to Approve Reasonableness of Settlement <u>358</u> . Court finds plaintiff identified and articulated compelling reasons to not allow public disclosures of each child. Court finds settlement is fair and appropriate as to each child. Plaintiffs to submit final order. Plaintiff will file withdrawal of state claims.

		Court will adopt motion to establish settlement fund <u>360</u> . Steve Rizzo present as counsel for plaintiffs. Jim Smith present as counsel for defendants. (Court Reporter Bonita Shumway.) Judge Michael J. McShane presiding. (cp) (Entered: 04/19/2016)
04/17/2016	<u>375</u>	SEALED Order Approving the Establishment of Qualified Settlement Fund. Signed on 4/17/2016 by Judge Michael J. McShane. (rh) Modified to seal on 4/18/2016 (rh). (Entered: 04/18/2016)
04/18/2016	<u>374</u>	SEALED Order Approving Reasonableness of the Settlement and Sealing the Allocation of Settlement Proceeds. Signed on 4/18/2016 by Judge Michael J. McShane. (rh) Modified to seal on 4/18/2016 (rh). (Entered: 04/18/2016)
04/18/2016	<u>376</u>	Unopposed Motion for Extension of Time to <i>Finalize the Dismissal of This Action</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Rizzo, Steven) (Entered: 04/18/2016)
04/18/2016	<u>377</u>	Declaration of <i>J. Michael Mattingly in support of Motion to Finalize the Dismissal of This Action</i> . Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S.. (Related document(s): Motion for Extension of Time <u>376</u> .) (Rizzo, Steven) (Entered: 04/18/2016)
04/19/2016	378	ORDER by Judge Acosta – GRANTING plaintiffs' unopposed motion <u>376</u> to extend time to 4/28/16, in which to finalize the dismissal of this action. (peg) (Entered: 04/19/2016)
04/19/2016	379	Clerk's Notice of Mailing to James Earl Mooney regarding Order on motion for extension of time 378 . (peg) (Entered: 04/19/2016)
04/25/2016	<u>381</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Motion Hearing held on 4/15/2016 before Judge Michael J. McShane, Court Reporter Bonita J. Shumway, telephone number 503–326–8188 or bonita_shumway@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER–See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 5/5/2016. Redaction Request due 5/19/2016. Redacted Transcript Deadline set for 5/31/2016. Release of Transcript Restriction set for 7/28/2016. (Shumway, Bonita) (Entered: 04/25/2016)
04/28/2016	<u>382</u>	Notice of Voluntary Dismissal <i>Plaintiffs' Fed. R. Civ. P. 41 Voluntary Dismissal</i> Filed by J. B., S. B., M. F., A. G., B. J., E. K., E. PD., K. R., D. S. (Rizzo, Steven) (Entered: 04/28/2016)
12/13/2021	<u>383</u>	<i>Motion to Enforce Protective Order</i> . Oral Argument requested. Filed by Oregon Department of Human Services (DHS). (Smith, James) (Entered: 12/13/2021)
12/13/2021	<u>384</u>	Declaration of Elleleanor H. Chin <i>in Support of State Defendants' Motion to Enforce Protective Order</i> . Filed by Oregon Department of Human Services (DHS). (Related document(s): Motion – Miscellaneous <u>383</u> .) (Smith, James) (Entered: 12/13/2021)
12/13/2021	<u>385</u>	Declaration of Jill Schneider <i>in Support of State Defendants' Motion to Enforce Protective Order</i> . Filed by Oregon Department of Human Services (DHS). (Related document(s): Motion – Miscellaneous <u>383</u> .) (Attachments: # <u>1</u> Exhibit 1) (Smith, James) (Entered: 12/13/2021)
12/13/2021	<u>386</u>	Declaration of James S. Smith <i>in Support of State Defendants' Motion to Enforce Protective Order</i> . Filed by Oregon Department of Human Services (DHS). (Related document(s): Motion – Miscellaneous <u>383</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Smith, James) (Entered: 12/13/2021)
12/14/2021	387	Order by Judge Acosta – The court has received and reviewed defendants' motion (ECF No. <u>383</u>) to enforce protective order (ECF No. <u>86</u>), which order this court entered on January 28, 2014. Plaintiffs are to file their response to the motion no later than December 28, 2021, and defendants are to file their reply no later than January 7, 2022. Until this court has ruled on the motion, counsel in this case and in the case <i>A.S., et al. v. Major, et al.</i> , No. 6:18-cv-00739-YY, pending in this district, may not use may not use in the A.S. case any documents acquired in this case and subject to the protective order. (png) (Entered: 12/14/2021)
12/14/2021	388	Scheduling Order by Judge Acosta: Motion to Enforce Protective Order <u>383</u> is taken under advisement as of 1/7/2022. (png) (Entered: 12/14/2021)

12/23/2021	<u>389</u>	Response to Motion to Enforce Protective Order <u>383</u> Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 12/23/2021)
12/23/2021	<u>390</u>	Declaration of Steven Rizzo in Support of Response to Motion to Enforce Protective Order. Filed by All Plaintiffs. (Related document(s): Response to Motion <u>389</u> .) (Rizzo, Steven) (Entered: 12/23/2021)
01/07/2022	<u>391</u>	Reply in Support to Motion to Enforce Protective Order <u>383</u> . Filed by Oregon Department of Human Services (DHS). (Smith, James) (Entered: 01/07/2022)
01/07/2022	<u>392</u>	Declaration of Jill Schneider in Support of State Defendants' Reply in Support of Motion to Enforce Protective Order. Filed by Oregon Department of Human Services (DHS). (Related document(s): Reply to Motion <u>391</u> .) (Smith, James) (Entered: 01/07/2022)
01/07/2022	<u>393</u>	Declaration of Elleanor H. Chin in Support of State Defendants' Reply in Support of Motion to Enforce Protective Order. Filed by Oregon Department of Human Services (DHS). (Related document(s): Reply to Motion <u>391</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1A, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6) (Smith, James) (Entered: 01/07/2022)
01/19/2022	394	ORDER by Judge Acosta: The Clerk is directed to enter plaintiff's letter to the Court on the docket as supplemental authority in support of the pending Motion to Enforce Protective Order <u>383</u> . (png) (Entered: 01/19/2022)
01/19/2022	<u>395</u>	Supplemental authority in support of Motion to Enforce Protective Order <u>383</u> . (png) (png). (Entered: 01/19/2022)
01/19/2022	396	CORRECTED ORDER by Judge Acosta: The Clerk is directed to enter plaintiff's letter to the Court on the docket as supplemental authority in support of their Response <u>389</u> to Motion to Enforce Protective Order <u>383</u> . (png) (Entered: 01/19/2022)
01/19/2022	<u>397</u>	CORRECTED <u>395</u> Supplemental authority in support of Plaintiff's Response <u>389</u> to Motion to Enforce Protective Order <u>383</u> (png) (Entered: 01/19/2022)
01/25/2022	398	Scheduling Order by Judge Acosta: Motion to Enforce Protective Order <u>383</u> is SET for Oral Argument on Monday, February 7, 2022 at 1:30PM in Portland by videoconference before Magistrate Judge John V. Acosta. The Court's videoconference information shall be provided to the parties by separate sealed entry. (png) (Entered: 01/25/2022)
01/25/2022		Access information for 2/7/2022 hearing at 1:30 PM by video. Link: https://meet.uc.uscourts.gov/meeting/583696554?secret=aNSsGKZsh.enyBeSHXxPkw ; Telephone Number: 571-353-2301; Conference ID: 583696554#; Access Code: 2022#. Note: Do not use a speaker phone. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking. If dropped from the conference, please rejoin the conference and state your name after reconnecting. For complete conference connection instructions and etiquette guidelines, refer to ord.uscourts.gov/cms . (png) (Entered: 01/25/2022)
02/07/2022	399	MINUTES of Proceedings: Motion Hearing Held on 2/7/2022 regarding State Defendants' Motion to Enforce Protective Order <u>383</u> and Plaintiffs' Response and Motion to Modify Protective Order <u>389</u> with Magistrate Judge John V. Acosta presiding. Plaintiffs are directed to provide a list of documents which they seek from this case to be used in <i>J.M., et al v. Major, et al.</i> , Case No. 6:18-cv-00739-YY, along with copies of the documents, to Defendants no later than 5:00 PM on Monday, February 12, 2022. Defendants are to respond no later than 5:00 PM on Tuesday, February 22, 2022. Parties are to contact the Court if there is a disagreement on admissibility or if extensions are necessary. Motions are taken under advisement as of 2/7/2022. James Smith, Mary Skelset present as counsel for plaintiffs. James Smith, Eleanor Chin present as counsel for defendants. Court Reporter: Kellie Humiston. (png) (Entered: 02/07/2022)
02/07/2022	400	CORRECTED MINUTES of Proceedings 399 : Motion Hearing Held on 2/7/2022 regarding State Defendants' Motion to Enforce Protective Order <u>383</u> and Plaintiffs' Response and Motion to Modify Protective Order <u>389</u> with Magistrate Judge John V. Acosta presiding. Plaintiffs are directed to provide a list of documents which they seek from this case to be used in <i>J.M., et al v. Major, et al.</i> , Case No. 6:18-cv-00739-YY, along with copies of the documents, to Defendants no later than 5:00 PM on Monday, February 14, 2022 . Defendants are to respond no later than 5:00 PM on Tuesday, February 22, 2022. Parties are to contact the Court if there is a disagreement on

		admissibility or if extensions are necessary. Motions are taken under advisement as of 2/7/2022. James Smith, Mary Skelset present as counsel for plaintiffs. James Smith, Eleanor Chin present as counsel for defendants. Court Reporter: Kellie Humiston. (png) (Entered: 02/07/2022)
02/14/2022	<u>401</u>	ORDER by Judge Acosta: At Plaintiff's request, which is unopposed, the deadline for Plaintiffs to provide a list of documents which they seek from this case to be used in <i>J.M., et al v. Major, et al.</i> , Case No. 6:18-cv-00739-YY, along with copies of the documents, to Defendants is extended to no later than 5:00 PM on Wednesday, February 16, 2022. Defendants are to respond no later than 5:00 PM on Thursday, February 24, 2022. (png) (Entered: 02/14/2022)
02/23/2022	<u>402</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Oral Argument held via videoconference on 2/7/22 before Judge John V. Acosta, Court Reporter Kellie Humiston, telephone number 503-326-8186 or Kellie_Humiston@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the court reporter or PACER. See Policy at ord.uscourts.gov. (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Notice of Intent to Redact Transcript is due by 3/2/2022. Redaction Request due 3/16/2022. Redacted Transcript Deadline set for 3/28/2022. Release of Transcript Restriction set for 5/24/2022. (Humiston, Kellie) (Entered: 02/23/2022)
03/11/2022	<u>403</u>	ORDER: The remaining 88 documents objected to by Defendants are HEREBY EXEMPTED from the court's protective order (ECF No. <u>86</u>). Plaintiffs may have access to those documents for purposes of the J.M. Litigation only, subject to the J.M. Litigation presiding judge's ultimate rulings regarding relevancy and admissibility. IT IS SO ORDERED. DATED this 11th day of March, 2022, by United States Magistrate Judge John V. Acosta. (Attachments: # <u>1</u> Exhibit (2) Exhibit) (png) (Attachment 2 replaced on 3/11/2022) (cw). (Entered: 03/11/2022)
03/11/2022	404	Order for Administrative Correction of the Record pursuant to Fed. R. Civ. P. 60(a) regarding <u>403</u> Order on Motion. A Clerical error has been discovered in the case record: The incorrect PDF was attached as Exhibit 2. The following corrections were made to the record: A corrected PDF(Exhibit 2) has been uploaded and has replaced the incorrect attachment. The Notice of Electronic Filing will be regenerated to all parties. (cw) (Entered: 03/11/2022)

State pays record \$15 million in abuse case involving babies, toddlers

Updated: Dec. 21, 2015, 11:58 p.m. | Published: Dec. 21, 2015, 10:58 p.m.

u.s. federal courthouse.JPG

Portland attorneys Steven Rizzo and J. Michael Mattingly, representing the plaintiffs, filed the lawsuit in U.S. District Court in Portland.

(The Oregonian/file)

In a [record settlement for wrongdoing by a state agency](#), the state will pay \$15 million to resolve a federal lawsuit filed on behalf of nine young children abused by a Salem foster father.

"We feel we achieved a successful outcome for the victims," Portland attorney Steven Rizzo said Monday.

Rizzo filed the lawsuit against the Oregon Department of Human Services on behalf of medically fragile newborns, infants and toddlers ranging in age from 2 days to 3 years.

The former foster parent, [James Earl Mooney](#), now 31, is serving a 50-year prison sentence state at the Eastern Oregon Correctional Institution.

His crimes came to light in 2011 after a 3-year-old disclosed that Mooney had sexually abused her, Rizzo said.

The children's families hope that the Department of Human Services learns from this case and commits to preventing other cases of abuse, he said.

In a statement Monday, interim Director Clyde Saiki said the department "understands and admits responsibility for the damages suffered by these innocent victims."

"The settlement reflects the agency's accountability for failing to ensure the safety of these children in its care," he said.

[An inquiry into the agency](#) ordered by Gov. Kate Brown, who is "deeply concerned about what has been happening at DHS," is underway, he said.

Saiki said he also is conducting an internal investigation "of this particular matter to determine how it happened and why we failed to protect these children."

"As soon as possible, I will take the appropriate action to see that system failures are corrected and that the appropriate personnel action(s) is taken," he said.

Mooney, who became a foster parent in 2007 at age 22, told detectives that he couldn't remember the names of all the children he'd abused, sexually or otherwise.

Rizzo said about 30 children were placed with the Mooneys over four years. The plaintiffs were all children who stayed for several months and were repeatedly abused.

Mooney told investigators that the children's crying upset him and he had a history of abusing animals and small children. Court records show he pleaded guilty in 2012 to five counts of first-degree sodomy and one count of first-degree sexual abuse.

Rizzo said the Department of Human Services committed a slew of failures, beginning in the certification phase, when it made Mooney and his then-wife foster parents. And the pattern of errors continued in the agency's supervision of the Mooneys and the children in their care, he said.

Among the missteps, the lawsuit faulted department employees for allegedly ignoring escalating signs of abuse such as the children's complaints of pain while using the toilet, redness on their buttocks and their behaviors such as biting, pulling out hair and smearing feces.

This settlement, reached last week, will be the most the state has paid out whether ordered by a jury or agreed upon by lawyers during settlement negotiations.

The second biggest payout was a \$5 million settlement over a 1997 shooting by Oregon State Police.

Aimee Green of The Oregonian staff contributed to this report.

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A.F. v. Evans

Lwyr	Date	Explanation	Hours
SR	5/2/2016	Prepare/outline questions for interview with client re evaluate potential foster care abuse matter	1.2
SR	5/3/2016	Travel to La Grande re interview Grandfather + Father	7.6
SR	5/4/2016	Travel from La Grande to Portland	3.5
SB	5/26/2016	Begin review + outline of materials provided by potential client	3.4
SR	8/8/2016	Review OTCA re need for tort claim notice re continuing injury in guardianship	0.5
SB	8/10/2016	Prepare draft Tort Claim Notices for AF + EF	1
SR	8/22/2016	Review DAS Resp to tort claim notices	0.3
SR	11/7/2016	Review DAS denial + strategize follow up re 'family plan' + 'full background' check of Campbell	1.6
SR	7/27/2017	Receive news of Campbell's suicide + need conduct fact investigation	1.5
MDS	10/24/2017	Review materials currently in file re DHS caseworkers/CASA/attys/providers + plan handling	4.7
MDS	10/25/2017	Tel call with Father re status of case, additional records requests, fact witnesses	1
MDS	10/25/2017	Create initial agenda + task list for litigation team	1.5
MDS	10/25/2017	Research ORS 419B re establishment of a durable guardianship re Campell; prepare file memo re same	1.6
SB	10/25/2017	Perform internet background research of Derric Campbell	1.4
MDS	10/26/2017	Contact Union County DA (vm) Christopher Storz re Campbell sex abuse prosecution	0.2
MDS	10/26/2017	Contact offices of Grandfather's atty Glenn Null re the juvenile dependency matter	0.2
MDS	10/26/2017	Review email from Father re CASA's relationship with Campbell	0.2
MDS	10/26/2017	Review potential to name Derric Campbell +/or create an estate	2.3
MDS	10/26/2017	Review + analyze OARs re DHS certification + caseworker training	4.2
MDS	10/27/2017	Prepare request to DDA Chris Storz re Campbell prosecution	0.2
MDS	10/27/2017	Prepare file memo re points discussed with Null	0.5
MDS	10/27/2017	Tel call with Null re juv dependency proceeding, DHS, Burcart	0.7
MDS	10/27/2017	Meet with investigator to review status of case + plan investigative steps	1
MDS	10/27/2017	Review criminal pleadings in Campbell sex abuse prosecution	1.5
MDS	10/30/2017	Contact atty Bruce Anderson - formerly Kent Anderson, re Father's juv dependency files	0.2
MDS	10/31/2017	Review status of factual investigation re need for additional witness interviews, guardian ad litem	1
MDS	10/31/2017	Review + analyze AF medical records recv'd from Grande Ronde Hospital	1.2
MDS	11/2/2017	Attempt contact with Burcart re inquire about the client file	0.3
MDS	11/2/2017	Tel call with Bruce Anderson office re obtain juvenile records of Father	0.3
MDS	11/2/2017	Interview GT as potential GAL	0.5
MDS	11/2/2017	Tel call with Father re status of investigation, records releases, interview with AF/WF, GAL	1.1
MDS	11/2/2017	Revise timeline of juv dependency matter w/available records	2.3
SR	11/2/2017	Review case status + plan future handling	0.7
MDS	11/3/2017	Tel call with Burcart re request her to transfer client file to the former clients	0.3
MDS	11/3/2017	Review + analyze Campbell arrest/police report for AF sexual abuse	0.5
MDS	11/7/2017	Revise + approve records request to Burcart	0.2
MDS	11/8/2017	Prepare preservation request to Burcart + need for client file	0.5
MDS	11/8/2017	Outline potential standard of care issues re Burcart's representation	1
MDS	11/9/2017	Prepare file memo outlining relevant facts/timeline of events for eventual pleading	3.3
SB	11/9/2017	Perform internet research re Burcart	0.8
MDS	11/14/2017	Continue outline/preparation of file memo re material facts + outline legal issues	3.6
MDS	11/15/2017	Revise memo re material facts for use in preparing the pleading	1
MDS	11/15/2017	Review + analyze Campbell criminal file + records	2.5
MDS	11/15/2017	Prepare/conduct tel interview with Grandfather re Campbell, DHS + the juv dependency case	3.2
MDS	11/16/2017	Tel call to Victoria Moffet, Mother's atty, re her position on mot to release certain confidential docs	0.1
MDS	11/16/2017	Tel call with Bruce Anderson office re its position on a mot to release certain confidential documents	0.2
MDS	11/16/2017	Tel call with Null re the mot that was made to vacate Campbell's guardianship	0.3
MDS	11/16/2017	Tel call with Father re status of investigation, releases + witnesses	1

Lwyr	Date	Explanation	Hours
MDS	11/16/2017	Begin outline of mot to Release Certain Confidential Records in the juvenile court	1
MDS	11/16/2017	Complete file memo/statement of facts from Campbell's criminal file	1.3
MDS	11/16/2017	Analyze juv dependency code re 'parties' + extent of 'confidentiality' re request for juv ct records	2.4
MDS	11/17/2017	Tel call with Bruce Anderson re accept service of mot to release	0.4
MDS	11/17/2017	Tel call with Null re status of requests for juv court file + FTRs	0.7
MDS	11/17/2017	Prepare memo to file re status of our pre-suit factual investigation	0.8
MDS	11/17/2017	Prepare/interview LF (fact witness) re Campbell, juv dependency case	1
MDS	11/17/2017	Tel interview with Mother re release other client file + DHS records	1
MDS	11/17/2017	Prepare/interview (CF), paternal great aunt	1.3
MDS	11/17/2017	Prepare/interview Pastor Frank Humber	1.6
MDS	11/17/2017	Research ORS juvenile court confidentiality statutes re access to DHS files/records	3.2
MDS	11/17/2017	Continue drafting mot to Release Certain Confidential Records in juv dependency case	3.7
SR	11/17/2017	Review Judge Sullivan's resume/bio + former affiliated local firms	0.3
SR	11/17/2017	Review status of ongoing factual investigation + ability to obtain juv court records	0.8
SB	11/20/2017	Review Oregon State Bar files re Burcart + prior disciplinary hx	1.5
SR	11/20/2017	Consider need for conservatorship for AF	0.3
SR	11/20/2017	Review proposed ltr to Burcart re client file	1.5
MDS	11/21/2017	Finalize ltr to Burcart re her duty/failure to produce the client file	0.3
MDS	11/21/2017	Research OSB Ethics Opinions re juv standards of representation, duty to provide client file to former client	2.6
MDS	11/28/2017	Contact Mother re amenability to sign release	0.2
MDS	11/28/2017	Tel call with Moffett re reivew of her client file	0.4
MDS	11/28/2017	Identify lanuage to obtain release of Mother's client file with her former atty Moffet	0.6
MDS	11/29/2017	Contact Father to discuss releases, interviews in La Grande	0.4
MDS	11/29/2017	Finalize the releases seeking client files + DHS files	0.5
SR	12/13/2017	Strategize trauma informed approach to interviews with AF/EF	0.3
MDS	12/15/2017	Email Father re availability of AF + EF in La Grande for interviews	0.2
MDS	12/15/2017	Tel call with investigator re plan for witness interviews + add'l investigatvie steps	0.4
MDS	12/15/2017	Outline of topics/points for interviews with third parties in La Grande	1
MDS	12/18/2017	Tel call with Father to confirm time/place for AF/EF interviews	0.2
MDS	12/18/2017	Tel call with atty Van Kirk re discuss the case + her service as guardian ad litem	0.5
MDS	12/19/2017	Interview Father re timeline of events, Campbell, indicia of abuse, + related issues	1
MDS	12/19/2017	Interview Grandmother re the juv dependency, Campbell, DHS + Burcart	1.2
MDS	12/19/2017	Interview Grandmother re her knowl of Campbell, events in juv dependency	1.5
MDS	12/19/2017	Interview EF + consider separate counsel	1.6
MDS	12/19/2017	Interview AF	1.8
MDS	12/19/2017	Travel to La Grande	5
MDS	12/20/2017	Meet with Union County Sheriff, La Grande Police Dept re police reports re Campbell + his family	0.6
MDS	12/20/2017	Interview fact witness TS re both boys' statements/her observations while in Campbell home	1
MDS	12/20/2017	Meet with Union County Circuit Court clerk re Gina Lee/Campbell family of origin records	1.5
MDS	12/20/2017	Review/identify requested court filings/records re Campbell's biological father at Umatilla County Court	1.5
MDS	12/20/2017	Travel to Portland	5
MDS	12/29/2017	Prepare additional corresp to Burcart requesting client file	0.5
MDS	12/29/2017	Prepare client ltr re witness interviews, case status, EF conflict waiver + future handling	1.5
SR	12/29/2017	Review status of fact investigation, witness interviews + whereabouts of client file	0.5
MDS	1/2/2018	Review Oregon State Police report re Campbell 2010 DUII + suicide attempt	2.2
MDS	1/2/2018	Research potential violations of CAPTA re federal question jurisdiction/statutory claim	2.3
MDS	1/2/2018	Outline points for draft complaint to send to Burcart	3.6
SR	1/2/2018	Evaluate Campbell's prior DUII/suicide attempt re 'full background check' of Campbell claimed by DAS	0.5
MDS	1/3/2018	Tel conf with Valerie Schlichter/Union County DA office seeking 'State v. Campbell' criminal files	0.3
MDS	1/3/2018	Consult with a plaintiff's legal malpractice atty re formulate malpractice claim	0.5

Lwyr	Date	Explanation	Hours
MDS	1/3/2018	Continue to outline facts/claims for relief re draft complaint	5.2
MDS	1/4/2018	Prepare discovery request to Union County DA re obtain Campbell's criminal files/records	0.3
MDS	1/4/2018	Tel call investigator to outline add'l factual investigative needs	0.3
MDS	1/4/2018	Finalize records requests to Grande Ronde Hospital + Center for Human Development	0.4
MDS	1/4/2018	Analyze medical records for precipitous weightloss of EF while in Campbell's care, prepare records req	0.5
MDS	1/4/2018	Tel call with Father re currensnt status of investigation + need for guardian ad litem	0.5
MDS	1/4/2018	Evaluate potential infliction of emotal distress claim against a public body	1.2
MDS	1/4/2018	Prepare corresp to Father re status of investigation, potential claims, client file issues + proposed GAL	1.3
MDS	1/5/2018	Tel call with investigator re seeking add'l investig re Campbell's father's, child pornography victims,	0.5
MDS	1/5/2018	Analyze court records re abuse/child pornography/arrests re Campbell childhood home	4.3
MDS	1/5/2018	Continue preparation of Complaint re factual events/timeline + certification allegations	4.3
MDS	1/8/2018	Continue preparation of Complaint re 1983 claims against OHS workers Evans + Turner	4.6
MDS	1/9/2018	Review La Grande PD listing of arrests/police reports re Campbell's childhood home	0.3
MDS	1/9/2018	Finalize records request to GRH Women's + Children's Clinic re AF	0.4
MDS	1/9/2018	Review GRH medical records re EF to discern BMI/food restriction symptoms in Campbell home	0.4
MDS	1/9/2018	Tel call with investigator re need for add'l info from La Grande PD	0.4
MDS	1/9/2018	Tel call Father re his knowledge of child abuse victims of Robert Lee, Campbell's abuse of EF, AF's ER visit	0.5
MDS	1/9/2018	Prepare ltr to DHS + releases to obtain child welfare records	0.5
MDS	1/9/2018	Review DHS records release ltr + identify exhibits	0.6
MDS	1/9/2018	Research caselaw re application of tolling provisions to professional negligence claims	2.7
MDS	1/10/2018	Preparing ltr to Burcart re complaint + client file	0.2
MDS	1/10/2018	Plan investigation to locate Burcart	0.2
MDS	1/10/2018	Prepare final records request + ltr to Burcart	0.2
MDS	1/10/2018	Prepare email to litigaiton team outlining next steps	0.5
MDS	1/10/2018	Evaulate whether to name Campbell's estate in draft complaint	1
MDS	1/10/2018	Continue preparation of a draft complaint	4.4
MDS	1/11/2018	Review Campbell sex abuse police report recv'd from La Grande PD	1
MDS	1/11/2018	Prepare draft Petition + Consent to appoint GAL	1.5
MDS	1/11/2018	Research ability to seek non-economic damages in professional negligence context	1.7
MDS	1/11/2018	Complete draft complaint	4.8
HW	1/12/2018	Attend team mtg re checklist approach prior to sending complaint to Burcart	1.5
MDS	1/12/2018	Prepare for + attend team mtg	1.7
MDS	1/12/2018	Begin analysis re CHD Cynthia Russell counseling records re AF/EF + Campbell	2.4
SR	1/12/2018	Attend AF mtg re issues obtaining the client file from Burcart	0.5
MDS	1/16/2018	Tel call with investigator re CHD + need for additional witness interviews	0.4
MDS	1/16/2018	Review medical records of AF re signs/sxs of abuse in Campbell home	1.5
MDS	1/16/2018	Tel call with Father re review factual allegations in complaint to ensure accuracy	1.8
MDS	1/16/2018	Continue review/excerpting CHD records re AF/EF statements re abuse in the home	3.3
MDS	1/18/2018	Review status + follow up re our third request to Burcart to inpsct the client file	0.2
MDS	1/18/2018	Review qualified immunity caselaw re potential affirmative defense	2.7
MDS	1/19/2018	Tel call with investigator re status of attempts to locate Burcart	0.3
MDS	1/19/2018	Continue review of mental health records of EF	0.6
MDS	1/22/2018	Tel call with Father re factual allegations	0.3
MDS	1/22/2018	Outline points for ltr to Burcart to accompany draft complaint to spur her Resp	0.7
MDS	1/22/2018	Revise draft complaint re incorporate changes/add'l factual details	1.2
MDS	1/23/2018	Meet with investigator re interviews of Russell, CASA/Canavan + AP re abuse in Campbell home of origin	0.5
MDS	1/23/2018	Review + exerpt mental health records of AF from CHD	3.5
MDS	1/24/2018	Preliminary research re identify potential experts re sequelae of sex abuse of boys	1.6
MDS	1/26/2018	Review outstanding medical records + investig tasks	0.3
MDS	1/26/2018	Finalize ltr to Burcart	0.5

Lwyr	Date	Explanation	Hours
MDS	1/26/2018	Tel call with investigator to discuss add'l witness interviews re Mt. Emily Safe Center, Russell + AP	0.5
MDS	1/26/2018	Prepare separate RFPs to DHS + each DHS worker	2.1
MDS	1/29/2018	Review + analyze additional police reports re Robert + Gina Lee produced by La Grande PD	1.2
MDS	1/29/2018	Continue preparation of production requests to DHS, + Burcart	1.8
MDS	1/30/2018	Review + analyze interview of AP prepared by investigator	0.4
MDS	1/30/2018	Finalize requests for production	1.5
MDS	1/31/2018	Meet with investigator re status of obtaining court records, police reports + witness interviews	0.5
HW	2/1/2018	Continue to review records from CHD re EF + create treatment timeline	1.5
HW	2/2/2018	Review CHD records re EF + create timeline/chronology	1.1
HW	2/6/2018	Finish CHD/EF timeline	0.5
HW	2/6/2018	Begin review of AF's CHD records + create chron/timeline	1.3
HW	2/7/2018	Continue review of AF CHD records	0.5
MDS	2/7/2018	Coordinate interview with Cynthia Russell	0.2
HW	2/8/2018	Finish review of AF CHD Records	2
MDS	2/14/2018	Exchange tel calls (vm) with Null re production of juvenile court records	0.2
MDS	2/14/2018	Review ltr from Plf atty Nikola Jones re Burcart representation + client file, + plan Resp	0.4
MDS	2/14/2018	Aalyze the OSB file of Burcart in prep for tel conf with PLF atty/Jones	0.7
MDS	2/14/2018	Analyze extensive criminal file of Barnes re sexual abuse in Campbell's family of origin	1.1
MDS	2/14/2018	Revise allegations in the complaint re Barnes + Russell therapy records	1.3
MDS	2/15/2018	Exchange email with Russell re confirm interview in La Grande	0.2
MDS	2/15/2018	Tel call with Jones re the client file, Burcart's representation, sol issue	0.5
MDS	2/15/2018	Review juv standards of representation + duty to provide client file to substitute counsel	1
MDS	2/16/2018	Tel call with Null re acquisition of juv court records; DHS/Burcart conduct in the juv proceeding	0.4
MDS	2/16/2018	Tel call investigator re plan for witness interviews in La Grande	0.5
MDS	2/16/2018	Prepare file memo application of Oregon statute of limitations	1.5
MDS	2/16/2018	Research 'Smith' + 'Doe' opinions re evaluate sol issue raised by Jones	2.4
MDS	2/20/2018	Analyze Campbell intestate petition + request investigator to interview the PR	0.5
MDS	2/20/2018	Tel call with Father to discuss the filing of the Campbell estate	0.5
MDS	2/20/2018	Begin review + analysis of the AF juv dependency file	3.8
MDS	2/22/2018	Contact Null re La Grande atty Rick Dall/substituted for Burcart	0.2
MDS	2/22/2018	Prepare memo to file re points covered with Dall re Burcart's advocacy	0.3
MDS	2/26/2018	Contact Dall's office, discuss the client file with office assistant	0.2
MDS	2/26/2018	Prepare ltr to Dall requesting the client file	0.3
MDS	2/27/2018	Tel call with Null re the mot to obtain juvenile ct transcripts/FTRs	0.2
MDS	2/27/2018	Review Null email + attached mot/form of order to obtain juv ct FTRs	0.8
SR	2/27/2018	Strategize Resp to position taken by Jones + need for expert to address practice standards	0.3
MDS	3/2/2018	Prepare email to potential juv law expert re terms of retention	0.2
MDS	3/2/2018	Tel conf with juvenile law expert re Burcart/DHS roles + practice standards in juv dependency	0.7
MDS	3/7/2018	Tel call with Russell re preparation for interview	0.2
MDS	3/8/2018	Arrange mtg with potential juv law expert	0.2
MDS	3/8/2018	Review ltr from Jones re production of client file	0.3
MDS	3/8/2018	Prepare email to Jones re her claim that Burcart owns the client file	0.3
MDS	3/8/2018	Revise ltr to Dall re producing the client file	0.4
MDS	3/8/2018	Review the OSB Formal Ethics Op cited by Jones	0.5
MDS	3/8/2018	Review ltr from Dall re production of client file	0.6
MDS	3/8/2018	Prepare file materials for review by juv law consultant	0.7
MDS	3/9/2018	Prepare email to Jones + Dall re the client releases of information for client file	0.2
MDS	3/9/2018	Revise ltr to Dall + Jones in Resp to withholding the client file	0.3
MDS	3/9/2018	Prepare Resp email to Rick Dall re client file	0.9
MDS	3/9/2018	Initial mtg with juvenile law expert to discuss the case	1

Lwyr	Date	Explanation	Hours
MDS	3/12/2018	Review Jones email to Dall re dem + to send client file to Jones	0.1
MDS	3/12/2018	Confer with juv law expert re issues obtaining client file from Jones/Dall	0.2
MDS	3/12/2018	Review + analyze email from Dall re his failure to produce client file	0.3
MDS	3/12/2018	Request provision of new releases to client for release of client file, review updated releases	0.3
MDS	3/19/2018	Exchange email with juv law expert re file materials provided for review	0.3
MDS	3/20/2018	Tel call with juvenile law expert to discuss her initial impressions	1
MDS	3/27/2018	Email to Jones to again request client file	0.2
MDS	3/27/2018	Request investigator to interview abuse abuse in the Campbell home of origin	0.2
MDS	3/28/2018	Email Jones re request for estimate of time to produce client file	0.1
MDS	3/28/2018	Prepare memo file re witness interviews, client file, expert's impression of DHS/Burcart conduct	1
MDS	3/29/2018	Meet with Father re case status, review allegations	3.5
MDS	3/29/2018	Travel to La Grande	5
MDS	3/30/2018	Meet with Russell re her counseling records + observations/interactions with Campbell	1.5
MDS	3/30/2018	Review client therapy notes in prep for Russell interview	2
MDS	3/30/2018	Return travel to Portland	5
MDS	4/3/2018	Prepare Resp to Jones refusal to produce client file for inspection	1
MDS	4/4/2018	Tel call with OSB ethics counsel re Jones/Dall responsibility to produce the client file	0.7
MDS	4/5/2018	Prepare email to Jones re OSB's position + request her to join a call with Bar ethics counsel	0.2
MDS	4/9/2018	Email juv law expert re review of juv ct transcripts	0.1
MDS	4/9/2018	Prepare email to opposing counsel requesting update + production of client file	0.2
MDS	4/11/2018	Review the client file materials prouddced by Jones	1.5
MDS	4/17/2018	Continue analysis of the client file + prepare add'l materials for juv law expert's review	1.8
MDS	5/4/2018	Meet with juv law expert re th client file + opinions re Burcart/DHS conduct in the dependency case	3
SR	5/18/2018	Strtegeize legal issues re expert's review of DHS/Burcart collusion in juv hearings + Burcart client file	0.3
MDS	6/7/2018	Tel call to expert re clarify duty/role of juv atty + DHS in dependency proceeding	0.7
MDS	6/8/2018	Review email from consulting expert citing key juv practice standards	0.7
MDS	6/8/2018	Tel call with juve law expert re expert wishes + best interests standards	0.8
MDS	6/8/2018	Evaluate revisions to complaint based on advice of juv law expert	1
SR	6/18/2018	Revise draft of complaint previoulsy sent to Burcart in light of new/add'l information	2.6
SR	6/20/2018	Begin review of factual allegations to support 1983 claims against Evans/Turner + Does	4
SR	6/27/2018	Review juve law expert's impressions re DHS/Evans/Burcart conduct in the dependency proceeding	3.4
SR	7/3/2018	Revise draft complaint re factual sufficiency for deliberate indifference	6.4
SR	7/4/2018	Research caselaw re 1983 state actor liability of court appointed defense attys	3.2
SR	7/5/2018	Continue revising factual allegations re 1983 claim against Evans	6.2
MDS	7/6/2018	Review, supplement/clarify SR edits to draft pleading	1.2
SR	7/6/2018	Research the delib indiff supervisory liability standard + edit 1983 claim against Turner	3.2
SR	7/8/2018	Prepare email to team re proposed revisions to pleading, potential to name Burcart as state actor	0.5
SR	7/8/2018	Review juv ct materials re DHS/Burcart advocacy in support of Campbell's guardianship	3.3
SR	7/8/2018	Review DHS policies + revise neg per se allegations aginst DHS re ame	3.8
SR	7/8/2018	Review + edit the section 1983 claim against Evans	4.8
SR	7/9/2018	Research the DHS workers' potential liability under the VPA	1
SR	7/9/2018	Revise/supplement factual allegations + draft civil rights claim against Burcart	2.5
SR	7/9/2018	Analyze Burcart's potential liability as a state actor under section 1983	3.2
SR	7/10/2018	Research caselaw re applying state-created danger doctrine to conduct occuring in the dependency case	5.8
MDS	7/11/2018	Review status of psych experts who treat sexual abuse of boys	0.3
MDS	7/11/2018	Tel call investigator re seeking interviews re the CASAs' contacts with DHS/Burcart in the dependency case	0.5
MDS	7/11/2018	Revise draft Complaint re allegation of state-credited danger theory of liability	1.2
MDS	7/11/2018	Research the due process right of a foster child to be present at any court hearing	1.2
MDS	7/11/2018	Review juv ct transcripts re DHS/Burcart promot of Campbell	2.3
SR	7/11/2018	Research federal cases re whether DHS/Burcart collusion/conspiracy creates joint liability	6.4

Lwyr	Date	Explanation	Hours
MDS	7/12/2018	Review Campbell's statements to police re AF sex abuse + consider admissions against interest	2.4
SR	7/12/2018	Revise allegations re Doe certifier + outline 1983 claim against Burcart	3.8
MDS	7/13/2018	Review 'Henry A. v. Willden' re state-created danger + special relationship allegations	0.5
MDS	7/13/2018	Evaluate need for add'l info re whether Dall is liable abuse during Campbell's guardianship	1.5
MDS	7/13/2018	Continue research of DHS' liability under state-created danger for injuries in the Campbell's guardianship	3.2
SR	7/13/2018	Review DHS child welfare history re Turner's involvement in Campbell's family of origin	1
SR	7/16/2018	Prepare 1983 state actor claim against Burcart	6.5
SR	7/19/2018	Continue preparation of draft Complaint	6.8
MDS	7/20/2018	Review draft Complaint re reference to discovery + file materials	2.5
SR	7/20/2018	Consider naming Campbell's estate as state actor	0.4
SR	7/20/2018	Continue to preparation of draft Complaint	6.7
MDS	7/23/2018	Review email from Heidi Van Kirk re availability for GAL petition	0.2
MDS	7/23/2018	Supplement factual allegations re def' state-created danger liability during Campbell guardianship	2
SR	7/24/2018	Begin finalizing the Complaint	6.8
HW	7/25/2018	Review case file for DHS awareness of bedsharing with Campbell	1.4
MDS	7/25/2018	Fact check/clarify revised allegations in draft pleading	2.3
SR	7/25/2018	Review draft Consent, GAL Petition + prepare draft Declaration for Van Kirk	0.8
SR	7/25/2018	Continue to finalize draft complaint para-by-para prior to USDC filing	7.6
MDS	7/26/2018	Conduct final review of allegations + claims in complaint prior to filing	1
SR	7/26/2018	Finalize Complaint	0.5
MDS	8/7/2018	Review + evaluate methods of service under FRCP	0.3
MDS	8/8/2018	Prepare email to Jones re her acceptance of service for Burcart	0.3
MDS	8/15/2018	Review email + ltr attachments from Jones re acceptance of service	0.3
MDS	8/15/2018	Exchange emails with Jones re issues with her acceptance of service	0.7
MDS	8/22/2018	Tel conferral with Jim Smith re mots against the Complaint	0.2
MDS	8/23/2018	Direct + ensure Acknowledgement of acceptance of service by Jones	0.2
MDS	8/23/2018	Review + analyze state defendants' mot to dismiss the VPA claim	0.5
MDS	8/28/2018	Tel call with Father re filing of case, next steps	0.5
MDS	9/4/2018	Review + analyze Burcart's Answer + affirmative defenses	0.5
MDS	9/6/2018	Confirmation email to DOJ counsel re stipulation to extension of time	0.1
MDS	9/6/2018	Tel call + email to DOJ re mot to extend time for Resp to MTD	0.3
MDS	9/6/2018	Prepare draft mot for extension of time to respond + my Decl	0.6
HW	9/13/2018	Attend team mtg with attys	0.5
MDS	9/13/2018	Convene team mtg to review the status of case, task checklists + next steps	0.6
SR	9/13/2018	Attend team mtg + plan Resp to DOJ MTD	0.3
SR	9/14/2018	Outline + prepare Resp to state defs' mot to dismiss	6.5
SR	9/16/2018	Review Burcart's fail to state claim + need for clarification re same	0.5
SR	9/16/2018	Prepare ltr to Burcart re deficiencies in her Answer + need for amended pleading	1
SR	9/20/2018	Outline + prepare draft of RFP to Burcart	2.5
SR	9/20/2018	Outline subject matter requests for use inn DHS RFP	2.5
SR	9/21/2018	Review email from Eichner in Resp to our conferral	0.1
SR	9/21/2018	Prepare email to Eichner, seeking date for Amended Answer	0.1
SR	9/21/2018	Prepare confirming email to Eichner re same	0.1
SR	9/21/2018	Tel call with Eichner re vague affirmative defense + need for amendment re same	0.5
SR	9/24/2018	Review email from Eichner re timing of Amended Answer	0.1
MDS	10/1/2018	Review email from Jim Smith re req for LR7 conferral	0.1
MDS	10/1/2018	Review email from Lindsay Hart re Rule 26 conferral	0.1
SR	10/3/2018	Strategize points for R26 conferral with Burcart	0.5
MDS	10/5/2018	Exchange emails with Father re obtaining releases for records	0.2
MDS	10/5/2018	Prepare + attend Rule 26 conferral with Eichner re Burcart discovery	0.5

Lwyr	Date	Explanation	Hours
MDS	10/8/2018	Review + revise release form for research re LF	0.2
HW	10/9/2018	Outline third party sources of documents + ESI re plan for subpoenas	1.2
SR	10/17/2018	Prepare drafts of 1st RFPs to Evans, Turner, Burcart + DHS	3.6
MDS	10/18/2018	Revise draft RFP to Burcart re requests for her ESI/phone records	1
SR	10/18/2018	Review email from DOJ re resp to our RFP; form/substance of a Protective Order	0.2
MDS	10/24/2018	Review Burcart's First RFP to AF + First Set of Interrogatories to AF	1.3
SR	10/25/2018	Strategize discovery issues based on Burcart's discovery requests to AF	0.5
SR	10/25/2018	Evaluate Father's assistance in responding to disc requests + need juv law expert's help in framing rogs	0.6
SR	10/26/2018	Prepare email to DOJ re a stipulated form of pro order	0.1
SR	10/26/2018	Review DOJ proposed Projective Order re claw back, "attys Eyes Only"	1
SR	10/26/2018	Prepare draft form Stipulated Protective Order for DOJ review	1.5
SR	10/29/2018	Prepare email to Eichner re when will we receive Burcart's Amended Answer	0.1
HW	10/31/2018	Attend team mtg	0.3
MDS	10/31/2018	Hold team mtg to discuss task list/need for subpoenas to 3rd parties	0.2
SR	10/31/2018	Prepare email to Smith/Chin re need to confer on the draft Protective Order	0.1
SR	10/31/2018	Exchange email with Jones/Eichner re timing/content of Amended Answer	0.2
SR	10/31/2018	Meet with team to review discovery status	0.3
SR	11/1/2018	Review email from Eichner setting conferral for 11/2	0.1
SR	11/1/2018	Exchange email with DOJ re coordination with DOJ atty Chin re Protective Order	0.2
MDS	11/2/2018	Exchange email with juvenile law expert to review Burcart's answers	0.2
SR	11/2/2018	Tel conferral with Eichner re prep of amended answer in lieu of mot to strike	0.3
SR	11/2/2018	Review email from Eichner + analyze draft Amended Answer	0.3
SR	11/5/2018	Prepare follow-up email to Smith/Chin, again seeking conferral on draft PO	0.1
SR	11/8/2018	Outline questions in prep for mtg with juv law expert	1.5
MDS	11/9/2018	Attend mtg with juvenile law expert re juv law practice standards of representation	2
SR	11/9/2018	Prepare Memor+um to file re mtg with juvenile law expert	1
SR	11/9/2018	Attend mtg with juv law expert re DHS duty to the child, Burcart's 1st rogs, ward's right to appear	4
MDS	11/10/2018	Exchange emails with Heidi Van Kirk re status of case + GAL petition	0.2
SR	11/10/2018	Exchange emails with Eichner re clarification of Burcart's answer re ORPC 'non-duty'	0.5
MDS	11/14/2018	Begin outline topics for SDTs re police reports, medical records, NEOHA/DHS/Campbell housing records	2.6
SR	11/15/2018	Exchange email with Smith/Chin, agreeing to the proposed extension + need to confer on PO	0.2
SR	11/15/2018	Review email from DOJ + draft mot to extend time to respond to our RFP	0.3
SR	11/19/2018	Review email from Eichner re agreeing to revise Burcart's Answer re denial of ORPC duty of truthfulness	0.1
SR	11/20/2018	Exchange email with Smith/Eichner re consent to proposed extension of time	0.2
SR	11/20/2018	Prepare draft mot + Decl to extend the current discovery timelines	0.5
SR	11/26/2018	Exchange email with Eichner re Burcart does not need court permission to file Amended Answer	0.2
SR	11/27/2018	Review + evaluate Consent to Magistrate Judge jurisdiction	0.5
SR	12/3/2018	Review court's Findings re dismissal of VPA claims w/ leave to replead	1
MDS	12/7/2018	Prepare SDT to UCDA to obtain Campbell's prosecution file/records	1.5
MDS	12/10/2018	Prepare investigative request to interview of CASA/Warren re Campbell + juvenile dependency case	0.1
MDS	12/10/2018	Email to retired judge re impact of foster children appearing in court to express where they feel safe to live	0.2
MDS	12/10/2018	Finalize the duces tecum to city, CHD, DA, + hospital	3
SR	12/10/2018	Review draft subpoena to UCDA re contacts with DHS/Burcart re the Campbell prosecution	0.7
SR	12/10/2018	Prepare draft Resps to Burcart's First Set of Interrogatories to AF	4.2
HW	12/11/2018	Begin review + outline of documents produced by Burcart	2.1
MDS	12/11/2018	Prepare subpoena to Mt. Emily Safe Center re obtain AF/EF child abuse assessment	1.2
HW	12/12/2018	Attend lit team mtg with attys re case status, assign tasks	0.5
HW	12/12/2018	Continue review + outlining of Burcart's production	5.7
MDS	12/12/2018	Meet with team re status of subpoenas, Resps to interrogatories/RFP, + prep of discovery reqs	0.5
MDS	12/12/2018	Review Burcart client file re data gaps, lack of documentation of client contacts, plan Resp re same	2.5

Lwyr	Date	Explanation	Hours
SR	12/12/2018	Attend team mtg re status of investig + answers to outstanding disc requests	0.4
HW	12/13/2018	Continue review + outline of Burcart's production	3.7
MDS	12/13/2018	Exchange emails with Father re Burcart's rogs re social media accounts	0.3
MDS	12/13/2018	Review OECI file of Burcart re prior representation of Father	0.5
MDS	12/14/2018	Review draft Resp to Burcart rogs re supplementing w/persons with relevant knowledge	2.5
MDS	12/16/2018	Tel call with AF to review + confirm answers to Burcart rogs	0.5
MDS	12/17/2018	Prepare email to GAL Van Kirk re verification of AF's rog Resp	0.2
MDS	12/17/2018	Prepare mot for extension of time to file Objections	0.5
MDS	12/17/2018	Prepare email to Father re our Resp to Burcart's rogs + RFP	0.5
MDS	12/17/2018	Finalize Resp to Burcart's interrogatories	1.5
SR	12/17/2018	Prepare first draft of Objections to court's dismissal of VPA claims against the DHS workers	4
MDS	12/18/2018	Finalize Resp to Burcart first set of Interrogatories	0.4
MDS	12/18/2018	Finalize the subpoena to Mt. Emily	0.6
MDS	12/18/2018	Prepare subpoena to OSB re Burcart's CLE/disciplinary history	0.7
MDS	12/18/2018	Review + revise draft Objections to Findings re VPA legislative hx	1
MDS	12/19/2018	Revise draft Objections re argument that deliberate indifference is akin to vpa knowingly permitting abuse	3.5
SR	12/19/2018	Prepare Declaration in support of Objections, finalize exhibits re same	2
SR	12/19/2018	Research Burton v. Wilmington Parking Auth + related cases re tests for state actor liability	4
SR	12/20/2018	Revise state defendants' Resp to AF First RFP	1
MDS	12/21/2018	Prepare follow-up email to GAL re verification of Resp to Burcart's rogs	0.2
SR	12/21/2018	Prepare email to Jones re inspect the client file, joint defense agreements, USC's subpoena Resp	0.2
SR	12/21/2018	Finalize Plf First Set of Interrogatories to Burcart	1.2
SR	12/21/2018	Outline + prepare AF's First Set of Interrogatories to Burcart	1.8
SR	12/21/2018	Finalize Objections to Findings + Conclusions re vul persons ruling	3.2
SR	12/21/2018	Finalize Resp to Burcart's 1st Set of Interrogatories; prepare Resp to Burcart 1st RFP	3.6
HW	12/28/2018	Continue review + outline of Burcart production	1
MDS	12/28/2018	Finalize subpoena to Union Co DA	0.5
MDS	1/2/2019	Prepare subpoena to Dall seeking the hybrid client file	0.5
MDS	1/4/2019	Review Eochner email stating that US Cellular has Burcart's 'personal phone records	0.1
MDS	1/4/2019	Review Eichner ltr + draft subpoena to US Cellular for Burcart re limited scope of request	0.4
MDS	1/4/2019	Review Eichner's subpoena to Eastern Oregon Network re Burcart phone/email records	0.6
SR	1/4/2019	Review status of GAL verification of rog Resp	0.1
SR	1/4/2019	Strategize Burcart's attempt to limit her subpoena for phone records to period of her 'representation'	0.3
SR	1/4/2019	Consider separate mot to certify VPA issue to OR Supreme Court	0.6
MDS	1/7/2019	Finalize ltrs of instruction to accompany service of our third party subpoenas	0.2
MDS	1/7/2019	Forward Resp to Interrogatories to Van Kirk	0.3
MDS	1/7/2019	Review of subpoenas provided by opposing counsel, respond in email	0.3
MDS	1/7/2019	Tel call with OSB General Counsel re subpoena to obtain atty phone/email communications	0.8
SR	1/7/2019	Prepare email to GAL re timeline for verification of AF rog Resp	0.1
MDS	1/14/2019	Email to OSB General Counsel memorializing my conferral re use of subpoena	0.3
HW	1/15/2019	Attend mtg with attys re case status + tasks	0.4
MDS	1/15/2019	Exchange email with Van Kirk re process to verify Resp to Burcart's rogs	0.2
MDS	1/15/2019	Team mtg re upcoming discovery + assign tasks	0.4
SR	1/15/2019	Attend team mtg to review discovery + assign tasks re AF	0.4
MDS	1/16/2019	Analyze heavily redacted phone records recv'd from Burcart	0.3
MDS	1/16/2019	Review ltr from Eichner + the attached bulk/redacted l-line records (614)	0.7
MDS	1/17/2019	Resume research of psych experts who treat complex trauma/sex abuse of boys	2.1
MDS	1/18/2019	Review email from OSB counsel Roberts re Dall subpoena, clarify points + offer a conferral	0.8
MDS	1/22/2019	Review + analyze Dall's objections to our subpoena +s plan Resp re same	0.7
MDS	1/23/2019	Outline efforts made to obtain client file in prep for Resp to Jagelski's objections	2.3

Lwyr	Date	Explanation	Hours
SR	1/24/2019	Review J. Simon's ruling adopting J. Sullivan's dismissal of VPA claims	0.3
SR	1/25/2019	Strategize approach to PLF's retention of Jagelski to represent Dall re Resp to our subpoena	0.5
SR	1/30/2019	Strategize Burcart's objections to our discovery request + Jagelski's objections to Dall subpoena	0.3
SR	1/30/2019	Review Eichner email + Burcart's attached 2d RFP + her Resp to our 1st RFP	0.6
MDS	2/1/2019	Prepare timeline of attempts made to obtain client file + communications with Burcart/Dall	1.5
SR	2/1/2019	Prepare email to Jagelski re legal/ethical issues raised by Dall's failure to produce the client file	0.6
MDS	2/4/2019	Tel call with Mt. Emily Safe Center re confer on terms of stipulated protective order	0.5
MDS	2/4/2019	Finalize subpoena to La Grande PD + plan investigation re known former addresses of Campbell	0.5
MDS	2/4/2019	Prepare stipulated protective order for review by Mt. Emily	1
SR	2/4/2019	Tel call from Eichner re conferral on Burcart's 2d RFP	0.1
SR	2/4/2019	Exchange email with Jagelski re need to confer on 2/8	0.1
MDS	2/5/2019	Analyze the OPDJC standards + contract used to obtain professional services of Burcart + Dall	1
HW	2/6/2019	Outline production of materials recorded from Union County DA	1
MDS	2/6/2019	Exchange emails with Van Kirk re withdrawal/substitution of GAL	0.2
SR	2/6/2019	Evaluate GAL's need for withdrawal + substitution	0.3
HW	2/7/2019	Continue review of Union County DA production	2.4
MDS	2/7/2019	Exchange emails with Father + Van Kirk re withdrawal/substitution	0.2
SR	2/7/2019	Evaluate OSB's proposal on terms re its Resp our subpoena	0.2
HW	2/8/2019	Review + outline OSB's production of responsive Burcart/Dall documents	5.1
MDS	2/8/2019	Exchange tel call (vms) with OSB Deputy General Counsel re interpretation of Dall call log	0.2
MDS	2/8/2019	Tel call with Mt. Emily representative re proposed protective order	0.5
MDS	2/8/2019	Tel call to Father re status of case, withdrawal of GAL	0.5
MDS	2/8/2019	Tel conferral with Jagelski re his objections to Dall subpoena	0.7
MDS	2/8/2019	Review + analyze production from OSB re Burcart + Dall	2.1
MDS2/8/2016	2/8/2019	Prepare mot for Protective Order + Decl for Mt. Emily	0.6
SR	2/8/2019	Prepare confirmation email to Jagelski re "sufficiency" of releases + Dall's email search	0.2
SR	2/8/2019	Tel conf with Jagelski re 'sufficiency' of the releases given to Dall + Dall's search for ESI	0.4
SR	2/8/2019	Strategize discovery issues raised by OSB's Resp to our subpoena	0.5
HW	2/11/2019	Review + outline documents produced by OSB re Burcart/Dall	3.4
SR	2/11/2019	Review email from Eichner re Burcart's search for the 'missing' hard-drive	0.2
SR	2/11/2019	Evaluate whether Dall had actually contacted OSB prior to giving the client file to Jones/Eichner	0.2
SR	2/12/2019	Receive email from Jagelski re agreement to produce responsive documents by ltr	0.1
SR	2/13/2019	Review prior OSB complaint against Burcart re whether Burcart taped client interviews	0.2
SR	2/13/2019	Review investigative report re Dall's representation of Campbell on 2010 DUI/suicide attempt	0.5
SR	2/13/2019	Review e-mail from Jagelski + e-mail exchange with Eichner re Mt. Emily PO + amend answer	0.6
SR	2/13/2019	Review + analyze Eichner's ltr + Burcart's Resp to AF's 1st First Set of rogs	1.2
HW	2/14/2019	Continue review + outline of Union County DA production	4.2
SR	2/14/2019	Prepare email to Father re need to supplement our discovery	0.2
SR	2/14/2019	Prepare email to Jagelski re his claim that the releases given to Dall were 'deficient'	0.3
SR	2/14/2019	Prepare email to Father re current status of case + the boys to assist in responding to rogs	0.3
SR	2/14/2019	Prepare LR 7 conferral request to Burcart	0.3
SR	2/14/2019	Tel conf re LR 7 conferral with Burcart	0.3
SR	2/14/2019	Prepare confirmation email to Eichner re my underst+ing of her Resps	0.5
SR	2/14/2019	Prepare email to Burcart confirming points discussed in the conferral	0.5
SR	2/14/2019	Tel call to Eichner to confer on the issues listed in my email	0.6
SR	2/14/2019	Prepare email to Eichner re Burcart's phone records, rog answers + excessive redactions	0.7
MDS	2/15/2019	Research caselaw re whether a joint defense agreement is discoverable	0.9
SR	2/15/2019	Prepare email to Eichner re confirmation there is no joint defense agreement + her excessive redactions	0.2
HW	2/19/2019	Continue review of Union County DA Production	3
SR	2/19/2019	Exchange email with our juvenile law expert re issues for mtg on 2/20	0.2

Lwyr	Date	Explanation	Hours
MDS	2/20/2019	Tel calls with OSB Deputy General Counsel re emails from Dall	0.4
MDS	2/20/2019	Review + analyze child statements re experiences with counsel.	0.5
SR	2/20/2019	Review Father's email + attached AF input into Resp to Burcart's social media account rogs	0.4
MDS	2/21/2019	Meet with juv law expert re review + application of practice standards to claims for relief	2.5
SR	2/21/2019	Review email from Eichner disclaiming her 'awareness' of any joint defense agreement	0.1
SR	2/21/2019	Edit Memor-um to file re memorialize points discussed during mtg with juv expert	1.2
SR	2/21/2019	Attend mtg with juv law expert re review Burcart's Answers to AF rogs + frame rogs for Burcart	2.8
MDS	2/22/2019	Email Resp to OSB DGC Roberts	0.1
MDS	2/22/2019	Review initial emails produced by OSB re Dall	0.5
SR	2/22/2019	Evaluate OSB Resp to subpoena re Dall emails, + plan handling re same	0.3
MDS	2/25/2019	Review + analyze ltr from Eichner + the attached Burcart subpoenas to Moffet, CASA + EONI	0.5
MDS	2/25/2019	Review + analyze OSB production re Dall + Burcart	1.5
MDS	2/25/2019	Review disciplinary production re Burcart + Dall from OSB	1.5
MDS	2/26/2019	Review email from Jeff Crews/EONI + consider revised subpoena for Burcart phone records	0.5
SR	2/26/2019	Strategize Resp to court's request for a joint proposed scheduling order	0.3
SR	2/26/2019	Review EONI email re a gap in Burcart ESI from 4/2011 - 3/2014 - the 'period of representation'	0.3
SR	2/26/2019	Review Burcart's subpoena to Null raising privilege/work product issues re our contacts with Null	0.5
SR	2/26/2019	Review file memo outlining our contacts Dall + Jones' interference re whether Jones is fact witness	0.5
HW	2/27/2019	Locate the email history with Dall as requested by attys	0.4
MDS	2/27/2019	Review email from Eichner re audio of juvenile hearings, raising global protective order issue	0.4
MDS	2/27/2019	Review email from Eichner's offering to "chaperone" our inspection of the original Burcart file	0.4
MDS	2/27/2019	Review our releases submitted to Dall/Burcart re Dall's claim the releases were defective	0.5
MDS	2/27/2019	Prepare ltr to counsel re notice of inadvertent production of AF med summary	0.5
MDS	2/27/2019	Analyze CHD Russell's treatment records re parties notified that AF was sleeping with Campbell	0.7
MDS	2/27/2019	Prepare the chronology of our email exchanges w/Jones/Dall + requests for the client file	2
SR	2/27/2019	Prepare email to Eichner/Smith re the court's request for proposed scheduling order	0.1
SR	2/27/2019	Prepare email to Father re boys' input in Resp to Burcart rogs + the releases he presented to Dall	0.2
SR	2/27/2019	Review email from Eichner re intent to seek juv ct. audio recordings + petition re same	0.3
SR	2/27/2019	Strategize CHD treatment notes re Campbell was sleeping with AF sleep + consider legal issues raised	0.4
SR	2/27/2019	Review email from Eichner, placing conditions/restrictions on our inspection of the original client	0.5
SR	2/27/2019	Review 11 prior emails between our office + Jones/Eichner in an effort to obtain client file	0.8
SR	2/27/2019	Prepare ltr to Jones/Jagelski re hx of efforts to obtain client file + OSB involvement	3.5
MDS	2/28/2019	Prepare email to Crews/EONI re conferral on Resp to subpoenas, + placement of litigation hold	0.6
MDS	2/28/2019	Tel call with Crews/EONI re search parameters + backup data for Burcart ESI	0.6
MDS	2/28/2019	Read juv ct. transcript of hearings attended by Dall re whether he ever met with the boys in advance	0.8
MDS	2/28/2019	Review + analyze production from Rick Dall pursuant to subpoena	1.4
SR	2/28/2019	Receive email from Eichner, confirming destruction of the records	0.1
SR	2/28/2019	Prepare email to ethics counsel requesting advice re Jones/Dall failure to provide the client file to this office	0.2
SR	2/28/2019	Review the client releases provided to Dall in 2018 for apparent 'scrivener error'	0.4
MDS	3/1/2019	Review draft SR corresp to Jagelski re Dall's misrepresentation of what he was told by OSB GC	0.3
MDS	3/1/2019	Tel call with Null re case status, other potential witnesses, Burcart's subpoena + related issues	0.5
MDS	3/1/2019	Exchange emails with EONI/Jeff Crews re search of Burcart communications	0.6
MDS	3/1/2019	Finalize AF's SDTs (2nd Set)	1.2
SR	3/1/2019	Prepare email to ethics counsel enclosing draft ltr to Jagelski	0.1
SR	3/1/2019	Strategize EONI's approach to search back-up servers for Burcart ESI, + need for IT expertise re same	0.4
SR	3/1/2019	Tel conf with ethics counsel to discuss my draft corresp to Jagelski	0.5
SR	3/1/2019	Review email from ethics counsel re advice on the Jones/Dall collaboration re client file withholding	0.6
SR	3/1/2019	Review legal analysis of Jones/Dall conduct + supporting materials provided by counsel	1
SR	3/1/2019	Finalize ltr to Jagelski re Dall's conduct in failing to provide the client file to this office	2.7
SR	3/2/2019	Research re whether claim atty/client privilege shields the identity of Burcart's former clients	1.2

Lwyr	Date	Explanation	Hours
MDS	3/5/2019	Evaluate additional investigative needs for fact development	0.3
MDS	3/5/2019	Conferral with parties re discussing issues + discuss depositions	0.5
MDS	3/5/2019	Review case file + corresp. prepare for conferral ordered by court	1
SR	3/5/2019	Attend conf call with parties re discovery	0.5
SR	3/5/2019	Prepare Resp to Burcart's 2d RFP	0.6
SR	3/6/2019	Review email from Jagelski re prelim Resp to my corresp	0.1
HW	3/7/2019	Review Red Cross Drug production re Campbell use of medications	0.6
HW	3/7/2019	Review Mt. Emily Safe Center production re assessment of AF + EF	1.4
MDS	3/7/2019	Tel call + emails with Moffet's office re overdue production of Mother's file	0.5
SR	3/8/2019	Exchange email with Jagelski re conferral on my 3/1 corresp	0.2
SR	3/8/2019	Exchange email with Eichner re file handling during her maternity leave	0.2
SR	3/8/2019	Exchange email with Smith to confirm DOJ's destruction of inadvertent AF medical summary	0.2
SR	3/8/2019	Tel call with Jagelski re Dall's position that we 'consented' to his sending file to Jones	0.3
SR	3/8/2019	Prepare email to Jagelski re our alleged 'consent' to Dall's transfer of the file to Jones + Dall's health issue	0.3
SR	3/8/2019	Research caselaw re use of privilege/work product to justify Burcart's use of redacted communications	1
SR	3/8/2019	Prepare draft proposed scheduling order in Resp to J Sullivan's request + email same to parties	1
SR	3/10/2019	Review Jagelski email re Dall's contention that he did meet in person with AF + need for PO	0.1
SR	3/10/2019	Prepare email to Jagelski re clarification why a PO is necessary to protect Dall's 'portion' of the client file	0.1
SR	3/11/2019	Outline points for draft first RFAs to Burcart	2.5
MDS	3/12/2019	Outline points for proposed discovery scheduling order	0.3
SR	3/12/2019	Prepare email to Smith re date/time certain to review DHS child welfare records for AF	0.1
SR	3/12/2019	Prepare email to the court re AF circulated a draft proposed scheduling order	0.1
SR	3/12/2019	Prepare e-mail to H Van Kirk re status of the GAL	0.2
SR	3/12/2019	Exchange email with Father re the boys' social media accounts re finalize Resp to Burcart rogs	0.4
SR	3/12/2019	Prepare draft Discovery Order + e-mail to parties re same	1.1
MDS	3/13/2019	Review + analyze initial subpoena language to EONI re Dall's emails.	0.2
SR	3/13/2019	Prepare email to Jones with draft subpoena, + seek confirmation whether Burcart 'wiped' her hard drive	0.1
SR	3/13/2019	Prepare email/attachment to Jones re proposed subpoena	0.1
SR	3/13/2019	Exchange email with Father re the use of social media posts	0.2
SR	3/13/2019	Prepare email to investigator re Burcart's ability to mine AF social media	0.2
SR	3/13/2019	Review corresp to EONI re Dall subpoena	0.2
SR	3/13/2019	Exchange email with Father re need to pin down times/dates of DHS/Burcart encounters	0.2
SR	3/13/2019	Strategize the discovery of the other non-disclosed email account used by Dall	0.3
SR	3/13/2019	Edit draft subpoena seeking additional phone records from Burcart	0.6
SR	3/13/2019	Prepare additional subpoenas directed to MSN + EONI re Dall's ESI	0.8
SR	3/13/2019	Continue prep of 1st RFAs to Burcart	1.2
SR	3/14/2019	Review Father's email re social media accounts	0.1
SR	3/14/2019	Exchange e-mails with Father re need to supplement rog Resps	0.2
SR	3/14/2019	Tel conf with J Crews re scope of subpoena	0.2
SR	3/14/2019	Tel call with Crews/EONI re our subpoena re Dall ESI, search terms/connectors + related technical issues	0.4
SR	3/14/2019	Evaluate whether AF has a duty to "collect" social media accounts of other family members	0.5
MDS	3/15/2019	Review + edit draft First RFAs to Burcart re lack of client contacts in her file	0.5
SR	3/15/2019	Review email from DOJ dem+ing that AF agree to use JM v. Major form of PO	0.1
SR	3/15/2019	Review email from EONI/Crews re use of search terms as modified	0.1
SR	3/15/2019	Review/exchange e-mails with Crews re our current subpoena	0.2
SR	3/15/2019	Review email from Jones + attached corresp re Moffet's Resp to Burcart's strategic subpoena	0.2
SR	3/15/2019	Review email from Crews re proposed modified approach to search for Dall ESI	0.2
SR	3/15/2019	Prepare amended Attachment to EONI subpoena as requested by Crews	0.2
SR	3/15/2019	Strategize/weigh use of JM PO to avoid further delay in receiving DHS records	0.4
SR	3/15/2019	Review limited records produced by Moffet re the juv dependency proceeding	0.5

Lwyr	Date	Explanation	Hours
SR	3/15/2019	Finalize first RFA + attached exhibit to Burcart	0.5
SR	3/15/2019	Review additional file materials + corresp from Jones	1.2
SR	3/17/2019	Prepare email to Jones seeking confirmation whether Burcart also used an I-Pad device	0.1
SR	3/17/2019	Exchange email with Jones confirming Burcart's preparation of a privilege log + scope of Burcart ESI sought	0.3
SR	3/17/2019	Exchange e-mail with N Jones re our subpoena to EONI re Burcart	0.6
MDS	3/18/2019	Research the procedure for service of federal subpoena beyond the Oregon District	0.4
SR	3/18/2019	Prepare email to DOJ seeking date to confer on the production of DHS child welfare records	0.1
SR	3/18/2019	Review email from Smith re his serious health issue + need for 120 day abatement	0.1
SR	3/18/2019	Exchange email with Jagelski re his 3/10 email + status of Dall's health/ability to be deposed	0.2
HW	3/19/2019	Attend team mtg re status + tasks re subpoena checklist	0.8
MDS	3/19/2019	Email to Father re need for docs responsive to RFPs re club, little league/school/traveling team	0.5
MDS	3/19/2019	Team mtg to review case status, global PO, subpoenas/depos + counsel for EF	1
SR	3/19/2019	Lit team mtg re discovery status + discuss req to abate against state defendants	0.5
SR	3/20/2019	Prepare email to Smith, confirming our consent to abate case as to state defendants	0.1
MDS	3/21/2019	Revise subpoena language to EONI to capture Burcart's email	1
MDS	3/21/2019	Prepare initial Resps to JB's Third RFPs	1.2
SR	3/21/2019	Receive email from Jagelski providing 5/24 for Dall's depo	0.1
SR	3/21/2019	Exchange email with Smith re the abatement/handling during his absence, + best-wishes for recovery	0.2
SR	3/21/2019	Review Campbell Facebook history/posts re ref to La Grande teen's suicide	0.3
SR	3/21/2019	Exchange email with Jones re Burcart's suppl rog answers, our EONI subpoena + Burcart's I-Pad	0.3
SR	3/21/2019	Revise draft Resp to Burcart's 3rd RFP re baseball/school records	0.3
SR	3/21/2019	Exchange e-mail with Jones re proposed Burcart subpoena	0.3
SR	3/21/2019	Edit draft Resp to Burcart's 2d RFP re social media requests	0.4
SR	3/21/2019	Revise Attachments to subpoena to EONI re Burcart ESI	0.4
SR	3/21/2019	Review AF/EF baseball documents re evid of Campbell's sexually inappropriate conduct at games	0.5
SR	3/26/2019	Prepare email to Jagelski, confirming conferral on 5/24	0.1
SR	3/26/2019	Exchange email with Jagelski re the OPDS discovery re Dall	2.6
MDS	3/27/2019	Follow up with Amy Morgan/Mt. Emily re the Resp to subpoena for abuse assessment documents	0.2
SR	3/27/2019	Review email from Jones re abate the entire case; use temporary protective order	0.2
SR	3/27/2019	Prepare email to Jones re AF only consents to abate state defs; numerous issues re Burcart's production	0.5
MDS	3/28/2019	Contact NEOHA re redactions of Campbell housing records	0.3
MDS	3/28/2019	Revise drafted mot for Protective Order + supporting Decl	0.4
MDS	3/28/2019	Prepare eval to Mt. Emily re conferral re data gaps	0.5
SR	3/28/2019	Prepare follow-up email to Jones re req for date/time to confer re abatement	0.1
SR	3/28/2019	Receive email from Jones, insisting that AF agree to abate as to Burcart	0.1
SR	3/28/2019	Review email from Smith re conferral on abatement issue	0.1
SR	3/29/2019	Review email from Jones re conferral re abatement	0.1
SR	3/29/2019	Review email from Jagelski re Dall's acceptance of service of GRD subpoena	0.1
SR	3/29/2019	Review OPDS contract docs re insurance/indemnity clauses; prepare subpoena to GRD managed by Dall	2.8
MDS	4/1/2019	Tel call with NEOHA/Sarah Parker re her redactions + confer on extent of protective order	1
SR	4/1/2019	Review Smith email to the court re status conf re abatement issues	0.1
SR	4/1/2019	Review Jones e-mail reiterating her refusal to allow Burcart/third party discovery during abatement period	0.2
SR	4/1/2019	Exchange email with OPDS/E. Deitrick re documents produced in Resp to our subpoena	0.2
SR	4/1/2019	Analyze Burcart corresp to OPDS seeking add'l case credit for the State v. Stone	0.6
SR	4/1/2019	Analyze OPDS-GRD contract re standards of practice + Burcart's Questionnaire listing private reprim+	1.5
SR	4/2/2019	Review/exchange email re availability for status conf	0.3
SR	4/2/2019	Exchange email with the parties to confirm points	0.3
SR	4/2/2019	Attend LR 7 conferral on discovery + abatement issues with parties	0.5
SR	4/3/2019	Receive Minute Order setting status conf for 4/5	0.1
SR	4/3/2019	Review Smith email + attachment re draft joint status report	0.2

Lwyr	Date	Explanation	Hours
MDS	4/4/2019	Follow up call with Amy Morgan/Mt. Emily re Resp to subpoena.	0.2
MDS	4/4/2019	Follow up with defendants re the PO for CHD records	0.2
MDS	4/4/2019	Tel call with atty Caitlin Mitchell re need for EF representation	1
SR	4/4/2019	Review + consider ability to represent EF, + need for referral	0.3
SR	4/4/2019	Review email from Smith re issues/timing of DOJ's Resps to discovery requests during his absence	0.3
SR	4/5/2019	Review Smith email + revised draft of joint status report	0.2
SR	4/8/2019	Review email from Smith + attached mot to abate + supporting Decl	0.4
SR	4/9/2019	Prepare email to Smith seeking conferral on his mot	0.1
SR	4/9/2019	Exchange email email w/Smith re whether DHS will produce child welfare records before his departure	0.2
MDS	4/10/2019	Review + analyze EONI's production, lacking any responsive email	0.3
SR	4/10/2019	Review court's Minute Order re filing of joint status report	0.1
SR	4/10/2019	Prepare email to Jones re protective order	0.2
SR	4/10/2019	Prepare email to Jones re PO + caselaw re identity of Burcart's former clients is discoverable	0.2
SR	4/10/2019	Tel call from EONI/Crews re responsive Dall ESI	0.5
SR	4/12/2019	Review email + corresp from PLF atty Xin Xu, objections to GRD subpoena	0.3
SR	4/14/2019	Prepare email to Jones re parties are still waiting on her acceptance of the PO	0.1
SR	4/14/2019	Review email from Jones re the PO + audio tapes of the juv dependency	1
MDS	4/15/2019	Email to DOJ atty Jill Schneider requesting her position on our subpoena to CHD	0.2
MDS	4/15/2019	Tel call with Mitchell + Jennifer Middleton to discuss case + EF's representation	0.8
MDS	4/15/2019	Review Burcart's Resps to the RFAs as compared with her production to date	0.9
SR	4/15/2019	Review email + corresp from Jones + Burcart's attached Resp to AF's First RFA	0.4
MDS	4/16/2019	Tel call with Father to discuss separate representation for EF	0.2
MDS	4/16/2019	Prepare draft amended SDT to US Cellular	0.3
MDS	4/16/2019	Finalize Stip PO re CHD records following conferral with Schneider	0.3
MDS	4/16/2019	Prepare email to Kim McDonald/Mt. Emily re documents withheld are subject to subpoena + PO	0.3
MDS	4/16/2019	Exchange email with DOJ atty Schneider re mot for stip PO + CHD records	0.4
SR	4/16/2019	Prepare email to Xu re to confer on her objections to GRD subpoena	0.1
SR	4/16/2019	Review email from Xu re we need to give her available times to confer	0.1
SR	4/16/2019	Review draft mot to enter PO re Childhood Health records	0.2
SR	4/17/2019	Research the elements of the nexus/joint action test for state actor liability re Dall	0.8
SR	4/18/2019	Review email from Xu re her late Resp + suggesting times for conferral	0.1
SR	4/18/2019	Review email from Jones re agreeing to use of JM PO + her objections to our subpoena	0.1
HW	4/19/2019	Review + outline Mt. Emily additional production	1
MDS	4/19/2019	Prepare to email Mitchell re potential rep of EF	0.2
MDS	4/19/2019	Confer with DOJ atty Van Meter re her objections to our request for Campbell's juvenile criminal records	0.4
SR	4/19/2019	Review email from Xu re conferral on her objections/privilege assertions	0.1
MDS	4/22/2019	Review order granting PO for CHD records; follow-up with CHD to obtain protected health information	0.3
SR	4/22/2019	Review email from EONI/Crews acknowledging service of subpoena for add'l Burcart ESI	0.1
MDS	4/23/2019	Review terms of the court's abatement order limited to state defendants	0.4
MDS	4/23/2019	Prepare email to Kim McDonald/Mt. Emily re still-missing production	0.6
MDS	4/23/2019	Tel conf with Mitchell re EF facts/legal issues	1
MDS	4/24/2019	Revise SPO re production of NEOHA unredacted records.	0.4
MDS	4/25/2019	Prepare additional revisions to NEOHA SPO to provide to S. Parker for review	0.2
MDS	4/25/2019	Exchange emails with Xu negotiating conferral date	0.2
MDS	4/25/2019	Prepare email to M. Breiling re substituting as GAL	0.2
MDS	4/25/2019	Analyze email exchanges/conferrals in prep for Xu conferral	0.4
MDS	4/26/2019	Review + analyze email from Burcart re abatement	0.2
MDS	4/26/2019	Arrange + conferral with Burcart counsel	0.2
MDS	4/26/2019	Prepare email to parties re our cover ltr to EONI that directed production to different locations	0.2
MDS	4/26/2019	Prepare email to parties re court's availability for discovery conf	0.3

Lwyr	Date	Explanation	Hours
MDS	4/26/2019	Review Burcart's mot to Quash Subpoena to EONI + supporting Decl	0.5
MDS	4/26/2019	Tel conferral with Jones re multiple unresolved discovery issues re Burcart file/communications	1
SR	4/26/2019	Review email from Breiliing agreeing to serve as GAL	0.1
SR	4/26/2019	Review Jones' ltr of instruction to EONI/Crews	0.1
SR	4/26/2019	Review Jones's email re her version of points covered during the conferral	0.2
SR	4/26/2019	Review Jones's corresp to the court seeking complete abatement; review the court's order + plan Resp	0.3
SR	4/26/2019	Review Burcart's mot to Quash EONI subpoena + Jones's supporting Decl	0.6
MDS	4/28/2019	Confer with Mitchell re joint prosecution issues	0.2
MDS	4/29/2019	Tel conferral with Xu re objections to GRD for documents + Burcart's relationship to GRD	0.5
MDS	4/29/2019	Outline points for reply to Jones's version of our LR 7 conferral	0.7
SR	4/29/2019	Review DOJ atty Schneider email re the JM PO + non-opposition to third party discovery during abatement	0.1
SR	4/29/2019	Prepare Resp to Schneider's email + enclose the JM order	0.2
SR	4/29/2019	Review/participate in parties' email exchange with the court re status conf	0.3
MDS	4/30/2019	Complete draft reply to Jones re the 4/26 conferral	0.8
SR	4/30/2019	Prepare email to Baum re our 4/17 ltr to EONI re manner of compliance	0.1
SR	4/30/2019	Review the order re argument on Burcart mot to quash + email Schneider since she is not listed on COS	0.2
SR	4/30/2019	Review email from EONI atty/Wyatt Baum re compliance in light of Burcart MTQ	0.2
MDS	5/1/2019	Prepare email to Xu re Dall's health issue, GRD records depo, objections to subpoena	0.7
MDS	5/1/2019	Finalize conferral ltr to Jones re client file, devices, litigation hold, redactions, suppl rog Resps	1.2
SR	5/1/2019	Review Jones' email instructing EONI/Baum to withhold production until the court rules	0.1
SR	5/1/2019	Review Jones' email announcing Eichner's return from maternity leave	0.1
SR	5/1/2019	Exchange email with Baum re manner of EONI compliance with subpoena	0.2
SR	5/1/2019	Edit draft email to Jones re confirming points covered in the conferral, 'chaperoned' file inspection	0.3
MDS	5/2/2019	Tel call with retired juv court judge re juv standards/weight given to child's presence in court	0.5
MDS	5/2/2019	Prepare follow-up corresp to Xu re the GRD subpoena	0.6
SR	5/2/2019	Review Eichner email + corresp + share file link to Burcart phone records	0.5
MDS	5/3/2019	Review ltr from Eichner re Burcart's missing hard drive, additional phone records, + audio files	0.3
MDS	5/3/2019	Prepare mot to substitute GAL + supporting Decl	0.7
SR	5/3/2019	Strategize Eichner's statement re oversight of Burcart's hard drive/efforts to extract data thereon	0.2
HW	5/6/2019	Compile file materials + documents to provide to EF atty	0.7
MDS	5/6/2019	Receive + analyze request for file materials from counsel for EF	0.2
MDS	5/6/2019	Review hx of our conferrals/discovery efforts + prepare email Resp to Eichner re numerous IT issues	1.5
SR	5/6/2019	Prepare email to Eichner detailing the history of our prior conferrals	0.4
SR	5/6/2019	Review prior emails with Eichner re her statements that Burcart wiped her hard drive	0.6
MDS	5/7/2019	Prepare email to Jones/Eichner re missing pages, need for discovery on CDs, + continued inspection	0.4
MDS	5/7/2019	Tel call w/CHD atty/O'Keefe re submit signed protective order + production of mental health records	0.4
MDS	5/7/2019	Identify documents missing from the Burcart file	1
MDS	5/7/2019	Inspect the Burcart original client file at Lindsay Hart	2
MDS	5/7/2019	Research + prepare Statement of Facts in Resp to Burcart's MTQ our EONI subpoena	3.5
SR	5/7/2019	Review Eichner email, ltr + add'l file materials produced following inspection	0.2
SR	5/7/2019	Review photos of today's 'original' client file inspection + strategize authenticity/missing file materials	0.5
SR	5/7/2019	Inspect the Burcart "original" file at Lindsay Hart	1.2
MDS	5/8/2019	Email Jones/Eichner re to be vigilant about using full name of client in their mots; contact ct. re same	0.2
MDS	5/8/2019	Continue to prepare Resp to MTQ EONI subpoena + necessary exhibits	4.2
SR	5/8/2019	Prepare email to Eichner re her misunderstanding + Burcart's use of 'other electronic devices'	0.3
SR	5/8/2019	Review Eichner's email that she 'misunderstood' Burcart wiped the hard drive	0.5
MDS	5/9/2019	Review court order to confirm seal of client identifiers.	0.2
MDS	5/9/2019	Review documents to provide to EF counsel for review of claims + defenses	0.8
MDS	5/9/2019	Outline points for ltr to court in prep for discovery conf	1.5
SR	5/9/2019	Email to DOJ atty Schneider to confirm her use of the JM order	0.1

Lwyr	Date	Explanation	Hours
SR	5/9/2019	Exchange email with EONI/Crews re results of search for Dall's two separate email accounts	0.2
SR	5/9/2019	Edit draft ltr to court re Rule 16 conf issues	0.4
SR	5/9/2019	Revise + edit draft Resp to Burcart MTQ EONI subpoena re Burcart ESI	1.6
HW	5/10/2019	Review + outline CHD's production of treatment + records	1.6
MDS	5/10/2019	Review + revise email to court in advance of discovery conf	0.4
MDS	5/10/2019	Finalize Resp to Burcart's MTQ + prepare supporting Declaration + exhibits	3.5
SR	5/10/2019	Strategize whether Burcart will argue that DHS is an indispensable party to support global abatement	0.5
MDS	5/13/2019	Reschedule file inspection with paralegal of opposing counsel.	0.2
MDS	5/13/2019	Finalize ltr to court in advance of discovery conf.	0.4
SR	5/13/2019	Review email from Schneider accepting use of JM order	0.1
SR	5/13/2019	Review court order allowing discovery to proceed against Burcart/third parties + denying Burcart's MTQ	0.1
SR	5/13/2019	Review/strategize issues re newly produced Burcart memo indicating the boys wanted to live with Father	0.2
SR	5/13/2019	Edit draft ltr to the court re hx of discovery efforts + need for discovery to continue against Burcart	0.5
SR	5/13/2019	Prepare + attend oral argument on abatement, Burcart's MTQ + related discovery matters	1.8
MDS	5/14/2019	Prepare email to Xu re court's order denying Burcart's MTQ	0.1
MDS	5/14/2019	Prepare mot to substitute GAL + Decl of counsel, + Consent to appoint GAL	0.2
MDS	5/14/2019	Revise unopposed mot for PO + stipulated PO re EONI	0.4
MDS	5/14/2019	Exchange emails with Baum/EONI re court's order denying Burcart's MTQ	0.6
MDS	5/20/2019	Review email from atty Baum that EONI documents provided to Burcart in Resp to our subpoena.	0.2
MDS	5/20/2019	Review email from Mitchell re issues raised by state defs' affirmative defenses	0.4
HW	5/21/2019	Attend today's reinspection of Burcart's file at Lindsay Hart	2
MDS	5/21/2019	Review + revise unopposed MPO	0.5
MDS	5/21/2019	Review + analyze photos from file inspection	0.5
MDS	5/21/2019	Finalize unopposed mot for SPO + submit to parties for approval in advance of filing.	0.7
MDS	5/21/2019	Review + inspect the file that Jones/Eichner Burcart purport to be Burcart's original file	2.5
SR	5/21/2019	Edit draft mot to substitute the GAL + supporting Decl	0.3
SR	5/21/2019	Review + edit draft mot to Substitute GAL + send e-mail re same	0.5
SR	5/22/2019	Prepare email to Eichner requesting her Resp to my 5/8 email	0.1
SR	5/22/2019	Strategize issues re a faux original client file	0.4
SR	5/22/2019	Review email from atty for EF re tort claim notice	0.4
MDS	5/23/2019	Prepare email Resp to Eichner raising questions about the 'original' client file	0.3
SR	5/23/2019	Review email from Eichner now confirming Burcart has her hard drive, I-Pad + suppl. rog Resps	0.5
SR	5/24/2019	Prepare email to Eichner to confirm that the file we inspected was the "original"	0.5
MDS	5/28/2019	Finalize mot to substitute GAL	0.2
MDS	5/28/2019	Emails with DOJ atty Schneider re consent to file protective order	0.3
MDS	5/28/2019	Draft SDT to Umpqua Bank re Campbell's deposits of DHS reimbursement payments + bank records	0.8
SR	5/29/2019	Review email from Eichner confirming we inspected the original file, disputing the chain of custody request	0.2
SR	5/30/2019	Revise subpoenas to Umpqua Bank, GRH, Village Health Care, McDonalds, McGilvray, MSN	1.2
MDS	5/31/2019	Resubmit the SPO to NEOHA + request unredacted Campbell housing records	0.2
MDS	5/31/2019	Exchange emails with Xu re GRD subpoena Resp	0.6
SR	5/31/2019	Review email to NEOHA re need to unredact Campbell's housing arranged by DHS/Evans/Turner	0.1
SR	5/31/2019	Review email from Eichner + corresp + additional documents + a new privilege log	0.3
MDS	6/3/2019	Exchange email with Mitchell re state defs affirmative defenses	0.2
MDS	6/3/2019	Exchange email with DOJ atty/Schneider re signed SPO + again request production of DHS documents	0.4
MDS	6/3/2019	Prepare file memo outlining discrepancies/issues with Burcart's "original" file	1.5
HW	6/4/2019	Review + outline documents provided by DHS	4.6
MDS	6/4/2019	Revise consent to appoint GAL + email Father re same	0.3
HW	6/5/2019	Continue review + outline of DHS production	6.8
MDS	6/5/2019	Review Eichner ltr + analyze Burcart's 'original' file privilege log	0.6
MDS	6/5/2019	Tel call with Father re case status, withdrawal/substitution of GAL	0.7

Lwyr	Date	Explanation	Hours
MDS	6/5/2019	Review DHS' "guardianship assistance program" re its continued control over Campbell	1.3
MDS	6/5/2019	Begin review of DHS certification file re Campbell	3.5
MDS	6/5/2019	Review DHS production re certification of Gr+parents re use of delay to avoid this placement option	4.4
HW	6/6/2019	Continue review + outline of DHS production	3.4
MDS	6/7/2019	Contact Father re GAL Consent form to be signed as 'Biological Parent'	0.2
MDS	6/10/2019	Finalize memo to file re inspection of "original" file/missing documents/lack of authenticity	2.5
SR	6/10/2019	Review comprehensive file memo + strategize issues re authenticity of "original" file	1
HW	6/11/2019	Continue review + outline of DHS production	1.2
MDS	6/11/2019	Finalize subpoenas to GRH, McGilvray, Umpqua Bank + Village Health	0.3
MDS	6/11/2019	Review + analyze emails in DHS docs re AF's preference to live with Grandfather - not in Burcart's files	0.5
MDS	6/11/2019	Review + analyze ability to serve McGilvray out-of-state	0.8
MDS	6/11/2019	Revise + submit mot to substitute GAL to the current + proposed GALs	1
SR	6/11/2019	Strategize emails between Evans/Burcart re AF's wish to live w/Grandfather re collusion	0.3
MDS	6/12/2019	Exchange emails with NEOHA re subpoena production without redactions.	0.2
MDS	6/12/2019	Review investigative information re Burcart's contacts w/McGilvray in advance of our depo	0.3
MDS	6/13/2019	Finalize mot to substitute GAL, supporting Decl + exhibits	0.5
SR	6/13/2019	Finalize mot to Appoint GAL	0.2
MDS	6/14/2019	Review + analyze the EONI email production submitted by Burcart with a privilege log	1.3
HW	6/17/2019	Review Burcart's EONI production	1
MDS	6/17/2019	Exchange email with NEOHA re need for unredacted Campbell housing records + DHS communications	0.2
MDS	6/17/2019	Finalize subpoena to McGilvray	0.3
MDS	6/17/2019	Finalize NOD to GRD records custodian	0.3
MDS	6/17/2019	Prepare ltr to Eichner re EONI production + claim of privilege	1.5
HW	6/18/2019	Reproduce juvenile court FTRs for Burcart attys	0.4
MDS	6/18/2019	Receive + analyze production from Burcart subpoena to Null	0.5
MDS	6/18/2019	Review ltr from Burcart's counsel re ability to access audio hearing tapes	0.6
MDS	6/18/2019	Legal team mtg to discuss litigation status + strategy	1
MDS	6/19/2019	Exchange emails with Sarah Parker of NEOHA re submission of unredacted subpoena materials	0.2
MDS	6/19/2019	Receive, analyze + respond to email from Xu responding to draft NOD + ltr	0.6
MDS	6/19/2019	Revise conferral ltr to Xu, submit both to SVR for review + comment	1.5
SR	6/19/2019	Review draft subpoena to Moffet re obtaining her file re Mother	0.1
SR	6/19/2019	Finalize NOD to Grande Ronde Defenders Custodian of Records + corresp to Xu re LR7 conferral request	0.2
SR	6/19/2019	Revise draft corresp to Eichner re the long awaited privilege log + EONI withholdings	0.3
SR	6/19/2019	Receive Eichner email + corresp re attached Null docs produced in resp to Burcart's subpoena	0.6
MDS	6/20/2019	Tel call (VM) to Xu re conferral on GRD NOD + subpoena	0.1
MDS	6/20/2019	Analyze docs produced in Resp to Burcart's subpoena to Moffet	0.7
MDS	6/21/2019	Tel call with McDonald's registered agent re production of Campbell employment records	0.2
MDS	6/24/2019	Tel call (VM) to Mother	0.1
MDS	6/24/2019	Follow up tel call with McDonald's registered agent re scope of subpoena/timeframe for production	0.3
MDS	6/24/2019	Finalize SDT to Victoria Moffet	0.3
MDS	6/24/2019	Tel call with Mitchell re discovery status	0.8
SR	6/24/2019	Tel conf with Umpqua Bank/Teri Fink re Resp to subpoena	0.2
SR	6/24/2019	Review ltr from Olson objecting to Dall subpoena re Electronic Privacy Act + Stored Communication Act	0.2
MDS	6/25/2019	Review MSN's objections to our subpoena for Dall's emails.	0.2
MDS	6/25/2019	Review ltr from Burcart missing production, privilege log, EONI production, ESI + McGilvray	0.2
MDS	6/25/2019	Revise draft of Mother's release of client file re subpoena to Moffet	0.3
MDS	6/25/2019	Read + analyze conferral email from Xu	0.3
MDS	6/25/2019	Conferral with Eichner re our NOD to GRD	0.4
MDS	6/25/2019	Tel call with McGilvray re our subpoena for her depo	0.4
MDS	6/25/2019	Confer with parties re depo of McGilvray	0.4

Lwyr	Date	Explanation	Hours
MDS	6/25/2019	Prepare investigative request for Dall's current court appearances re Xu's use of health issue to delay depo	0.4
MDS	6/25/2019	Analyze GRD operating agreement	0.5
MDS	6/25/2019	Review unredacted records rec'd from NEOHA re Campbell's DHS-supported housing + financial support	0.5
MDS	6/25/2019	Interview Mother re release of client file, recollection of events	0.7
SR	6/25/2019	Review corresp from Eichner re her rebuttal for redacted EONI production	0.2
SR	6/25/2019	Review court filings indicating Dall is appearing in courts	0.2
MDS	6/26/2019	Attempted conferral phone call Xu	0.1
MDS	6/26/2019	Prepare Resp re Xu re conferral in advance of mot to compel	1.5
SR	6/26/2019	Review Dall's 5/16 ltr to Union County Circuit Ct stating his availability to attend hearings	0.1
SR	6/26/2019	Tel conf with Z Olson re outstanding Dall subpoenas + attempts to compromise on search terminology	0.2
SR	6/26/2019	Prepare confirmation email to Olson re issues covered in our conferral	0.2
SR	6/26/2019	Review email from Olson acknowledging points covered + relating issues with the MSN subpoena	0.2
MDS	6/27/2019	Follow up with counsel for EONI re Resp to subpoena, request conferral	0.1
MDS	6/27/2019	Exchange emails with Xu re GRD records custodian depo + mot to compel	0.3
MDS	6/27/2019	Tel call with EONI/Baum re production of Burcart emails + request to search for deletion events	0.3
MDS	6/27/2019	Confer with Eichner re outstanding RFPs, privilege log, EONI, hard drive extraction, iPad, chain of custody	0.9
SR	6/27/2019	Prepare email to Olson re his objections + req to confer	0.2
SR	6/27/2019	Research ECPA + SCA caselaw cited by Olson + plan Resp to his 6/24 corresp	1.8
HW	6/28/2019	Review + inventory DHS production + create index of documents received	3.4
MDS	6/28/2019	Review docs produced by McDonald's + plan contact with owner re DHS communications re Campbell	0.6
MDS	6/28/2019	Prepare mot to compel discovery re GRD	2.7
MDS	6/29/2019	Continue preparation of MTC GRD docs + records depo	3.2
MDS	7/1/2019	Review investigative info re Burcart's hx/background	0.1
MDS	7/1/2019	Corresp with Mitchell re filing of separate case re EF	0.5
MDS	7/1/2019	Conferral with Xu, including review + preparation of follow up emails	0.8
MDS	7/1/2019	Finalize MTC GRD + my Decl in support	2.3
SR	7/1/2019	Edit draft MTC GRD re my interactions with Xu	0.4
MDS	7/2/2019	Confer with all parties re an expedited hearing re the mot to compel GRD	0.5
MDS	7/2/2019	Prepare mot to expedite hearing on MTC GRD + my supporting Decl	1
SR	7/2/2019	Prepare corresp to Village Health re Campbell's treatment records	0.2
SR	7/2/2019	Review email from Village Health atty/Nick Stone, objecting re 45 CFR 164.512 + HIPPA	0.2
SR	7/2/2019	Research cited CFR provisions re notice to personal rep (non-existent) + plan Resp to Stone	0.5
HW	7/3/2019	Begin review + outline of OPDS production	0.5
HW	7/3/2019	Begin review + outline of newly received NEOHA records	2.3
MDS	7/3/2019	Receive notice from court granting mot to substitute GAL	0.1
MDS	7/3/2019	Review Village Health Resp + identify alternative/affiliated clinics for docs at issue	0.2
MDS	7/3/2019	Exchange emails with Mitchell re preparation for filing of the EF lawsuit	0.5
MDS	7/3/2019	Exchange numerous emails w/court + parties re expedited hearing on MTC GRD	1
SR	7/3/2019	Review email from J Sullivan, ruling on issues raised re Burcart's privilege log + assertions of privilege	0.2
MDS	7/4/2019	Review + analyze EF draft complaint + discuss same with Mitchell	1.5
SR	7/4/2019	Review EF's draft complaint re facts supporting EF's 1983 claims + allegations of notice to Evans	0.3
SR	7/5/2019	Review Complaint filed by EF	0.2
SR	7/5/2019	Attend tel conf with EF's attys re facts of case, draft EF complaint + consolidation	2
MDS	7/6/2019	Review ltr from Xu re Resps to GRD subpoena requests + objections	0.8
SR	7/6/2019	Review corresp from Xu re taking a combined Dall/GRD depo w/Jagelski approval	0.1
MDS	7/8/2019	Prepare email to Breiling re court's order of substitution of GAL	0.1
MDS	7/8/2019	Exchange email with Mitchell re expert identification + standards of practice	0.5
MDS	7/8/2019	Follow up w/Moffet on subpoena	0.5
MDS	7/8/2019	Finalize our Resp to Burcart's RFP	0.5
MDS	7/8/2019	Emails with court + opposing counsel re expedited hearing logistics	0.6

Lwyr	Date	Explanation	Hours
MDS	7/8/2019	Review corresp from Eichner in Resp to our 7/8 email	0.6
MDS	7/8/2019	Revise conferral email to Jones/Eichner re the original file, EONI, devices, GRD, RFAs	1.7
SR	7/8/2019	Review email from Z Olson re MSN's Resp to our subpoena	0.1
SR	7/8/2019	Review/edit draft email to Eichner re orig file inspection/availability of Burcart's devices	0.2
MDS	7/9/2019	Consult with co-counsel on how to approach GRD ltr re subpoena,	0.5
MDS	7/9/2019	Tel call with Mitchell re coordination of litigation efforts to reduce costs/duplication	0.5
MDS	7/9/2019	Receive/review newly produced Burcart "complete file" with redacted pages on the back side.	0.7
SR	7/9/2019	Review Eichner ltr re reproduced copy of Burcart's original file + inadvertently omitted contents	0.1
SR	7/9/2019	Strategize Resp to GRD ltr re subpoena + persistent objections	0.3
SR	7/9/2019	Review the Burcart sharefile link for completeness	0.3
HW	7/10/2019	Compare Burcart 'complete' client file with the file she produced initially	2.2
SR	7/10/2019	Prepare email to Olson, enclosing MSN's 6/25 ltr re objections	0.1
SR	7/10/2019	Review Olson's Resp to my email, justifying the MTQ	0.1
SR	7/10/2019	Prepare email to Olson noting that Jagelski had consented to our MSN subpoena	0.1
SR	7/10/2019	Receive email from Jagelski, supporting Olson's version	0.1
SR	7/10/2019	Tel conf with Olson re his intent to quash the MSN subpoena	0.2
SR	7/10/2019	Prepare confirming email to Olson re points covered in the conferral	0.2
SR	7/10/2019	Exchange emails with Z Olson re MSN subpoena	0.3
SR	7/10/2019	Review Dall MTQ our MSN subpoena + Olson's Decl	0.8
SR	7/10/2019	Begin draft Resp to the Dall MTQ	0.8
MDS	7/11/2019	Tel call with Moffet assistant re production of Mother's file in Resp to subpoena	0.3
MDS	7/11/2019	Exchange email with Mitchell re depo topics for McGilvray depo	0.5
MDS	7/11/2019	Prepare email to Moffet assistant re court order to ensure production of communications	0.5
MDS	7/11/2019	Make travel arrangements for McGilvray depo.	1
MDS	7/12/2019	Review email from Mitchell re topics for depo of McGilvray	0.3
MDS	7/12/2019	Review operating agreement of GRD + Articles of Incorporation in prep for McGilvray depo	0.5
MDS	7/12/2019	Identify exhibits for use in questioning McGilvray	1.3
MDS	7/13/2019	Prepare Resp to Xu re our subpoena + NOD to GRD	1.5
MDS	7/14/2019	Prepare for McGilvray depo	2.5
MDS	7/14/2019	Travel to Pullman, WA for depo of McGilvray	4
MDS	7/15/2019	Return travel to Portland	4
MDS	7/15/2019	Attend depo of McGilvray	9
SR	7/15/2019	Prepare email to Jagelski re oral argument on the MTQ re MSN records	0.1
SR	7/15/2019	Edit draft ltr to Xu re recent production, GRD recordkeeping, GRD/Burcart contract documents	0.2
SR	7/15/2019	Strategize issues raised by McGilvray testimony re whereabouts of orig file + Burcart's use of devices	0.3
SR	7/15/2019	Research updated caselaw re 1983 liability for ct. appointed juv atty acting under color of state law	1.2
MDS	7/16/2019	Prepare request to obtain juvenile law CLE materials at which Burcart presented	0.2
MDS	7/16/2019	Emails with attys for Dall re points raised in their discovery mot	0.3
MDS7/15/2019	7/16/2019	Prepare search terms to provide to Xu	0.5
SR	7/16/2019	Review the GRD briefing + prepare for oral argument	2.5
MDS	7/17/2019	Analyze communications with Dall atty, send email Resp to inquiry re notice of GRD records depo.	0.3
MDS	7/17/2019	Attend oral argument re MTC GRD + discovery issues	1.5
SR	7/17/2019	Review court's order mootng present mots + directing parties to confer/submit status report	0.2
SR	7/17/2019	Edit draft Reply to GRD's Resp to MTC (recv'd today) re Dall's court schedule	0.2
SR	7/17/2019	Review email from Jagelski seeking clarification of my proposal	0.3
SR	7/17/2019	Prepare email to Jagelski + Olson re our conferral/proposed compromise on MSN search terms	0.5
MDS	7/18/2019	Emails re consolidation of EF with AF cases	0.3
MDS	7/18/2019	Review email from opposing counsel requesting J. Sullivan to revisit her order	0.4
MDS	7/18/2019	Review + analyze remaining outstanding discovery issues for conferral ltr to the parties	0.6
MDS	7/18/2019	Tel call with Mitchell re consolidation + use of experts	1

Lwyr	Date	Explanation	Hours
SR	7/18/2019	Review email from DOJ AAG Schneider, supporting consolidation	0.1
SR	7/18/2019	Review Mitchell email re EF's position on consolidation for purposes of discovery	0.1
SR	7/18/2019	Strategize Eichner's email asking the court to consolidate AF/EF for discovery + trial	0.2
SR	7/18/2019	Exchange email with Jagelski re my compromise proposal is under review with Dall	0.2
MDS	7/19/2019	Tel call with OSB re archival CLE materials re Burcart	0.4
MDS	7/19/2019	Finalize ltr to all counsel re the court's July 17 rulings	0.5
MDS	7/19/2019	Outline + prepare second RFP to Burcart	0.8
MDS	7/19/2019	Revise MSN subpoena re accommodate Dall's concern re overbreadth + prepare revised search terms	1.4
SR	7/19/2019	Edit draft email to all parties re outstanding documents discovery issues	0.2
SR	7/19/2019	Trade calls + a voice mail message from Jagelski re continuing conferral	0.2
SR	7/19/2019	Review Campbell phone records produced by US Cellular	0.3
SR	7/19/2019	Prepare email to Jagelski addressing his issues + need for add'l time to work out search terms	0.3
SR	7/19/2019	Prepare email to Eichner/Xu re identify what Burcart file we were permitted to inspect + chain of custody	0.4
SR	7/19/2019	Exchange email with Jagelski re conferral on MSN subpoena/search terms	0.4
SR	7/19/2019	Review Jagelski's email seeking additional points necessary to achieve a compromise	0.5
MDS	7/22/2019	Review proposed alternative search terms re the MSN subpoena	0.3
MDS	7/22/2019	Confer with Burcart re depo of Molly Litchfield + begin to prepare re same	1
MDS	7/23/2019	Revise email to parties re consolidation, GRD depo, Lichtfield/Purvis depo, documents discovery	0.3
MDS	7/23/2019	Prepare email to Burcart re our second RFP, depo of Litchfield, client file, ESI/extraction, EONI	0.5
MDS	7/23/2019	Begin preparing Resp to Dall MTQ + supporting Declaration	1
MDS	7/23/2019	Review transcripts of juv dependency re notice to Dall of Burcart's conduct + positions taken in court	2.5
HW	7/24/2019	Attend team mtg re status of case + next steps	0.5
MDS	7/24/2019	Civil group mtg re case status, upcoming discovery + mots, assign tasks	0.3
MDS	7/24/2019	Revise second RFPs to Burcart	0.5
MDS	7/24/2019	Prepare unopposed mot for extension of time to file Resp re MSN discovery	0.7
MDS	7/24/2019	Prepare draft email to Dall re proposed MSN subpoena + ltr to MSN re same	1.5
SR	7/24/2019	Prepare email to Jagelski advising re the consent language for MSN	0.1
SR	7/24/2019	Prepare email to Jagelski, attaching draft corresp/Attachment for his review/approval	0.1
SR	7/24/2019	Exchange email with Eichner re her insistence on consolidation for purposes to discovery + trial	0.2
SR	7/24/2019	Exchange email with Jagelski re filing of unopposed mot to extend MTQ Resp time	0.2
SR	7/24/2019	Edit draft 2d RFP to Burcart re social media communications with past employees + others	0.2
SR	7/24/2019	Edit draft revised MSN subpoena + prepare email to Jagelski	0.2
SR	7/24/2019	Edit draft Decl in support of Unopposed mot to Extend Time to Respond to Dall SDT	0.3
SR	7/24/2019	Finalize mot to extend the time to Respond to Dall mot to Quash MSN subpoena	0.4
SR	7/24/2019	Exchange email with Eichner re her mot to consolidate/premature request to consolidate cases for trial	0.5
SR	7/24/2019	Prepare draft corresp to MSN re consent + revised form of subpoena, + accompanying Attachment	1.3
MDS	7/25/2019	Exchange emails with Mitchell re consolidation + depo of Litchfield.	0.3
MDS	7/25/2019	Review ltr from Jagelski re search terms to EONI	0.3
MDS	7/25/2019	Emails with Xu re her redactions of GRD production	0.3
MDS	7/25/2019	Emails with opposing counsel re file inspection + depo of Purvis	0.4
MDS	7/25/2019	Prepare email to Katie Eichner re Litchfield depo, Dall file, ESI extraction, litigation hold.	0.5
MDS	7/25/2019	Tel call with Mitchell re Litchfield depo + consolidation	0.5
MDS	7/25/2019	Emails with Jagelski re our inspection of the copy of the original file, depo of Purvis	0.6
MDS	7/25/2019	Make logistical arrangements for depo of Molly Litchfield.	1.5
SR	7/25/2019	Strategize issues re Jagelski's email to Eichner re Dall's possession of a copy of Burcart's original client file	0.1
SR	7/25/2019	Exchange email with EF attys Mitchell + Middleton re position re consolidation	0.2
SR	7/26/2019	Exchange email with Jagelski re our need to inspect Dall's file + his copy of Burcart's original client file	0.2
SR	7/26/2019	Review the court's email/order directing Burcart to search for original client file	0.3
SR	7/26/2019	Review the court's order directing Burcart to search for the "original" client file + related disc issues	0.3
SR	7/26/2019	Exchange emails with Jagelski re form/substance of proposed MSN subpoena	0.4

Lwyr	Date	Explanation	Hours
SR	7/29/2019	Review order granting the mot to extend time to respond to the MTQ re MSN emails	0.1
SR	7/29/2019	Prepare email to Jagelski re our objection to Dall sending the file to Burcart in advance of our conferral	0.1
SR	7/29/2019	Review the status of Mitchell's conferral with Eichner re consolidation for discovery purposes only	0.1
SR	7/29/2019	Review Burcart's unopposed mot to consolidate	0.1
SR	7/29/2019	Review Mitchell email re consolidation of AF/EF	0.2
SR	7/29/2019	Exchange email with Jagelski re locating the original file, MSN subpoena, + depo scheduling	0.4
SR	7/30/2019	Prepare email to Jones, requesting confirmation of PLF policy limits for Burcart	0.1
SR	7/30/2019	Prepare confirming email to Jagelski re the points discussed in the conferral	0.2
SR	7/30/2019	Exchange email with Jagelski re withdrawal of original MSN subpoena in place of Dall's consent to MSN	0.2
SR	7/30/2019	Exchange email with Eichner re her request to depose AF + EF, + depo	0.2
SR	7/30/2019	Tel conferral with Jagelski re file inspection + revised MSN subpoena	0.3
SR	7/30/2019	Prepare email to Xu debunking claim that identity of Burcart's former clients is privileged/use of redactions	0.3
SR	7/30/2019	Exchange numerous emails with all attys re Purvis depo	0.4
SR	7/30/2019	Prepare email to Jones re whether Burcart has one or two policy limits + chain of custody	0.4
SR	7/30/2019	Tel conf Jagelski re MSN subpoena conferral	0.5
SR	7/30/2019	Prepare email to Jones re the court's order directing Burcart to search for the 'original' client file	0.5
SR	7/30/2019	Prepare email to Jones re authenticity of original client file/need for chain of custody/litigation hold	1
SR	7/31/2019	Prepare email to Jagelski re MSN's req for additional information from Dall to be listed on the consent form	0.2
SR	7/31/2019	Exchange email with Olson re Dall's amended consent form + conditions surrounding MSN's compliance	0.3
SR	7/31/2019	Exchange email with all parties re time/date for Purvis depo	0.4
SR	7/31/2019	Prepare email to Jagelski re MSN consent form	0.5
SR	7/31/2019	Review MSN Resp re need for a specific consent form	1
SR	7/31/2019	Exchange numerous emails with all attys re Pat Purvis depo	3.1
SR	8/1/2019	Tel call with DOJ Schneider re depo of Purvis + email to all attys re same	0.2
SR	8/2/2019	Review the court's order granting mot to consolidate for + order to apply to Manual for Complex Litigation	0.1
SR	8/2/2019	Prepare email to DOJ atty Schneider notifying her re the court's consolidation order	0.1
SR	8/2/2019	Tel call with Grandfather re service of Burcart subpoena	0.2
SR	8/2/2019	Review Manual for Complex Litigation re applicable provisions	0.5
SR	8/2/2019	Review subpoenas served by Burcart to Mother + Father	0.6
HW	8/5/2019	Review OSB Juvenile Law CLE for Burcart's speaking	2
MDS	8/5/2019	Travel to Helena MT for Litchfield depo	3
SR	8/5/2019	Review draft of EF Protective Order sent by his attys	0.1
SR	8/5/2019	Strategize approach to Dall depo re Dall's "portion" of the client file	0.2
SR	8/5/2019	Prepare questions for Lichtfield re Burcart's employment/independent contraction relationship with GRD	0.2
SR	8/5/2019	Review corresp from Jones claiming this office must collect documents from subpoenaed family members	0.2
SR	8/5/2019	Begin review/outline of the GRD Operating Agreement + prepare Memo to File re same	0.3
SR	8/5/2019	Research ORS 670.600 + ORS Ch 63 re Burcart's independent contractor status, GRD indemnity/liability	3.6
MDS	8/6/2019	Return travel to Portland	6
MDS	8/6/2019	Attend Litchfield depo	8
MDS	8/7/2019	Prepare ltr to opposing counsel re third-party subpoenas + atty-client relationships.	0.4
MDS	8/7/2019	Tel call with Mitchell re consolidation, joint prosecution, + related issues.	0.5
MDS	8/7/2019	Review corresp with Moffet re subpoena, records request, release + PO	0.5
MDS	8/7/2019	Analyze GRD docs produced in Resp to subpoena in light of Purvis' testimony	1
SR	8/7/2019	Review court's order withdrawing the MTQ based on the parties' agreement	0.1
SR	8/7/2019	Review Xu's ltr re production of GRD documents	0.1
SR	8/7/2019	Review judicial record of Campbell's 2018 criminal proceeding	0.1
SR	8/7/2019	Prepare email to Jagelski/Olson re draft MSN corresp/Attachment	0.1
SR	8/7/2019	Prepare email to Xu re her persistent redactions on GRD documents	0.1
SR	8/7/2019	Exchange email with Jagelski re withdrawal of his MTQ + to notify the court re same	0.2
SR	8/7/2019	Review the discovery provisions in the Manual for Complex Litigation cited by the court	0.3

Lwyr	Date	Explanation	Hours
SR	8/7/2019	Revise ltr to MSN + Attachment A re the subpoena	0.3
MDS	8/8/2019	Contact malpractice atty re liability of defense consortia re GRD	0.1
MDS	8/8/2019	Review + analyze discovery ltr from Eichner re third-party documents + assertions of privilege	0.2
MDS	8/8/2019	Review the subpoena to MSN with release language provided by from Dall	0.2
MDS	8/8/2019	Tel call to Campbell's criminal defense atty/Dean Gushwa re communications w/ Burcart	0.2
MDS	8/8/2019	Prepare email to Jagelski re request to inspect Dall "portion" of client file in advance of Purvis depo	0.3
MDS	8/8/2019	Review conferral ltr + additional production from Xu in Resp to our subpoena to GRD	0.5
MDS	8/8/2019	Prepare draft ltr to Eichner re third-party subpoenas SDTs + other discovery issues	1
MDS	8/8/2019	Review + analyze documents production by Moffet	2.1
SR	8/8/2019	Exchange email with Xu re the Purvis depo + her use of redactions	0.2
SR	8/8/2019	Edit draft corresp to Jones re their subpoena to Father/ concerns re authenticity of the "original" client file	0.2
SR	8/8/2019	Review corresp from Jones/Eichner re chain of custody	0.2
SR	8/8/2019	Finalize subpoena + Attachment to MSN	0.2
SR	8/8/2019	Review sequence of emails recv'd from Moffett in Resp to our 6/19 subpoena	0.3
SR	8/8/2019	Review/edit ltr to Eichner re outstanding discovery issues	0.5
SR	8/8/2019	Prepare memo to file re the fate + transport of Burcart's original client file re req for evidentiary hearing	4.2
HW	8/9/2019	Review Campbell's Umpqua Bank records re expenses paid with DHS funds	2.6
MDS	8/9/2019	Tel call with Gushwa to request Melton investigative report re Burcart communications	0.1
MDS	8/9/2019	Finalize ltr to Eichner re SDTs + other discovery issues	0.2
MDS	8/9/2019	Emails with EF attys re coordinate approach to depo of Purvis	0.3
MDS	8/9/2019	Continue to identify, organize + analyze exhibits in preparation for Purvis depo	3.2
MDS	8/11/2019	Analyze Mother's statements/concerns expressed in juv ct + plan add'l investig re same	0.5
MDS	8/11/2019	Research caselaw re vicarious liability of consortia for acts/omission by members/owners in prep for depo	1.5
MDS	8/11/2019	Finalize exhibits + depo questions for the Purvis depo	2
SR	8/11/2019	Review the Jones/Eichner chain of custody + prepare responsive email re same	0.7
MDS	8/12/2019	Interview LF re her memory of Campbell + the dependency case	2
MDS	8/12/2019	Prepare for Purvis depo	3
MDS	8/12/2019	Travel to La Grande to conduct interviews + depose Purvis	4
SR	8/12/2019	Review court's order granting EF form of Protective Order	0.1
SR	8/12/2019	Tel call with Fed Ex corporate re service of subpoena logistics	0.1
SR	8/12/2019	Review Jones's photos of an apparent "original" re substitute for chain of custody	0.6
SR	8/12/2019	Prepare subpoena to Copy Club re fate/transport of the Burcart file	0.7
SR	8/12/2019	Prepare FedEx subpoena re mailing/shipment of the file between Dall + Burcart	0.8
SR	8/12/2019	Tel calls with A Street Print, Copy Club + Mail Stop re their handling/transport of the Burcart file	1.2
HW	8/13/2019	Complete review + outline of the Umpqua Bank records re Campbell + DHS	1
MDS	8/13/2019	Attend inspection of Dall-portion file in advance of Purvis depo	1
MDS	8/13/2019	Interview Father + interview AF	1.5
MDS	8/13/2019	Depose Purvis	7.4
SR	8/13/2019	Prepare email to Jones reiterating need for the authentic 'original' file	0.2
SR	8/13/2019	Exchange email with Jones, confirming that she photographed the file that Dall sent via Fed Ex	0.2
MDS	8/14/2019	Return travel to Portland	4
SR	8/14/2019	Review email from Jones, describing Burcart's contact with the original client file post-litigation	0.1
SR	8/14/2019	Exchange email with Jones asking again to inspect the original client file	0.2
SR	8/14/2019	Review + respond to email from Jones re whereabouts of the original client file	0.5
SR	8/14/2019	Review + analyze PLF guidelines re file retention + destruction + OSB OP 2016-191	0.5
MDS	8/15/2019	Exchange email with Mitchell re consolidation + EF separate protective order	0.2
MDS	8/15/2019	Confirm with court reporter to follow up on metadata of thumb drive created by Purvis	0.5
MDS	8/15/2019	Tel contact with consultant K. Ellis to discuss possible expert witnesses	0.6
SR	8/15/2019	Exchange email with Jones re original client file dispute + need for evidentiary hearing re same	0.2
SR	8/15/2019	Review Manual for Complex Litigation re provisions for seeking sanctions in complex cases	0.5

Lwyr	Date	Explanation	Hours
SR	8/15/2019	Prepare email to parties at court's request for joint status report	0.5
SR	8/15/2019	Continue analysis of timeline/facts re original file + data gaps re N Jones chain of custody + Resp	2
MDS	8/16/2019	Analyze metadata from Purvis's thumb drive re DHS information + potential file destruction	0.3
MDS	8/16/2019	Review + analyze communications re EONI production + exchange email w/Eichner re same	0.6
MDS	8/16/2019	Prepare ltr to counsel Baum re additional conferral + search	1
MDS	8/16/2019	Review production provided to EF upon consolidation + revise ltr to Mitchell re same	1.5
SR	8/16/2019	Prepare email to DOJ/Schneider seeking to confer on joint status report to the court	0.1
SR	8/16/2019	Review email b/t Eichner + Baum re conduct of EONI search for Burcart's email	0.2
SR	8/16/2019	Tel call (vm) to MSN Records Custodian	0.2
SR	8/16/2019	Strategize Eichner's failure to provide the search logic/instructions she gave to EONI	0.3
SR	8/16/2019	Strategize MSN's Objections + plan follow-up re same	0.3
SR	8/16/2019	Exchange email with Lindsay Hart attys re ongoing discovery issues	0.4
SR	8/16/2019	Prepare draft mot to extend discovery + supporting Declaration	0.5
SR	8/16/2019	Prepare mot to Extend Time to file joint status report + supporting 12/laration	0.8
SR	8/16/2019	Review MSN ltr + legal authority cited in support of its objections to subpoena + Dall Consent	2
SR	8/17/2019	Review + edit terms of draft AF/EF Joint Prosecution Agreement	0.8
SR	8/17/2019	Research privacy act caselaw cited by MSN in support of its Objections	2.6
MDS	8/19/2019	Exchange emails with Mitchell re joint prosecution + retention of witnesses	0.3
MDS	8/20/2019	Exchange multiple messages + missed calls with EF atty	0.2
MDS	8/20/2019	Tel conferral with Baum re EONI subpoena + production	0.3
MDS	8/20/2019	Review email from Eichner re their RFPs + production of records from third-parties	0.5
SR	8/20/2019	Review court order granting an extension to complete discovery	0.1
MDS	8/21/2019	Analyze continued attempts at production of juvenile audio files	0.2
MDS	8/21/2019	Review email from Crews re subpoena, use of native format, search capabilities, directories	0.3
MDS	8/21/2019	Arrange conferral re EONI subpoena	0.5
MDS	8/21/2019	Finalize joint prosecution agreement with EF	0.5
MDS	8/21/2019	Review our subpoena Resps to ensure completeness/confidentiality of child info	0.6
MDS	8/21/2019	Tel call with potential local/Eastern Oregon juv law practitioner re local standard of care issues	1
MDS	8/21/2019	Emails + Tel call with our IT expert to discuss EONI search + prepare for conferral	1.5
SR	8/21/2019	Review email from Baum allowing parties + IT pros to confer directly with EONI re email search issues	0.2
SR	8/21/2019	Review corresp from Jones seeking add'l discovery from AF	0.3
MDS	8/22/2019	Analyze discovery requests + timeline of conferral	0.8
MDS	8/22/2019	Review materials provided by juv law expert re local standards of practice	1
MDS	8/22/2019	Prepare draft Resp to Jones/Eichner corresp re RFPs + ESI issues	1
MDS	8/22/2019	Review corresp from Burcart re her Resp to 2nd RFP; begin review of additional production	2
SR	8/22/2019	Tel conf with Drew Wilkinson/MSN re efforts to resolve MSN objections	0.2
SR	8/22/2019	Outline points for Resp to Jones/Eichner 8/21 corresp	0.4
SR	8/22/2019	Review Burcart's social media posts/exchanges with Moffet + other witnesses re our office	0.5
SR	8/23/2019	Prepare email to Jones re our production, 3rd party subpoenas, her photos of 'original' client file	0.5
MDS	8/25/2019	Finalize ltr to Jones/Eichner Hart re status of discovery requests	0.2
MDS	8/26/2019	Revise subpoena to Fregoso	0.3
MDS	8/26/2019	Analyze Burcart communications re Jones' knowledge that OSB advised Dall to provide the client file to us	0.6
MDS	8/26/2019	Prepare email to Jagelski/Xu re add'l responsive documents + manner of file copying	0.7
MDS	8/26/2019	Prepare subpoenas to Bridge Legal + River City Media re fate/transport of the original client file	1
MDS	8/26/2019	Meet with IT expert in advance of conferral with EONI to develop mutual approach	1
MDS	8/26/2019	Prepare + attend conferral w/EONI	1
MDS	8/26/2019	Prepare email to Eichner re EONI, device extraction, texts, litigation hold, redactions	1.2
SR	8/26/2019	Review 3/18 email b/t Burcart + Dall showing OSB advised Dall to provide the client file to AF	0.2
SR	8/26/2019	Review + edit subpoena to Intermountain Public Defenders seeking info related to Campbell prosecution	0.2
SR	8/26/2019	Exchange email with the Copy Club re efforts to locate mailing/packaging re Burcart client file	0.2

Lwyr	Date	Explanation	Hours
SR	8/26/2019	Revise subpoena Addenda to River City + Bridge Legal re fate/transport of original client file	0.4
MDS	8/27/2019	Email to Xu re unproduced GRD documents	0.3
MDS	8/27/2019	Prepare first draft of Joint Status Report for review by all parties	3
SR	8/27/2019	Review email exchange w/Eichner re redactions apply unless we give her specific tel numbers to search	0.2
SR	8/27/2019	Edit First Set of Interrogs to DOJ/state defs re Sensitive File Review question	0.3
SR	8/27/2019	Prepare + exchange email with Schneider re Notice of Inadvertent Production of DOJ-DHS staffings	0.5
SR	8/27/2019	Review + edit draft of Joint Status Report to the court	0.6
SR	8/27/2019	Prepare first interrogatories to DOJ/state defs re abatement has lifted	0.8
SR	8/27/2019	Research 1983 caselaw re liability for choosing/vouching for non-licensed foster home/facility	1
MDS	8/28/2019	Exchange emails with Eichner re phone records, third-party records, + conferral.	0.5
SR	8/28/2019	Review Eichner email re objections to our subpoena to River City/Bridge Legal	0.1
SR	8/28/2019	Prepare email to all parties re the Joint Status Report, seeking consent to file with the court	0.1
SR	8/29/2019	Prepare email to Jones/Eichner, enclosing my revised draft of the joint status report	0.1
SR	8/29/2019	Prepare confirming email to Wilkinson re points discussed in our conferral	0.2
SR	8/29/2019	Revise draft Joint Status Report to reflect AF/Burcart disagree about Burcart's compliance efforts	0.3
SR	8/29/2019	Exchange email with Jones/Eichner re failure to obey court order re original client file, evidentiary hearing	1.2
MDS	9/3/2019	Strategize Burcart's reading/compliance with PLF/OSB client file destruction standards	0.5
MDS9/3/2019	9/3/2019	Analyze PLF File Retention Guidelines + OSB File Destruction guidelines	1.7
SR	9/3/2019	Exchange email with Eichner re Jones' lack of availability to confer	0.2
SR	9/3/2019	Exchange emails with Mitchell + Schneider re Joint Status Report	0.4
SR	9/3/2019	Prepare email to Jones re LR 7 conferral re Burcart depo + Jones depo as fact witness re original client file	0.5
SR	9/3/2019	Tel call with MSN atty/Brien Jacobson re subpoena for Dall email + Consent	0.5
SR	9/3/2019	Prepare emails to Jones/Eichner re conferral re original file questions	0.7
SR	9/4/2019	Review email from Jacobson re there are no preserved Dall/Burcart email's in resp to subpoena topic #1	0.1
SR	9/4/2019	Exchange email with Jones re her refusal to confer	0.2
SR	9/4/2019	Strategize whether Jacobson's Resp means that Dall therefore deleted the emails	0.2
SR	9/4/2019	Review add'l email from Jacobson re MSN's search + claim that search terms were not served	0.4
MDS	9/5/2019	Exchange email with IT expert re EONI production + next steps	0.3
MDS	9/5/2019	Tel call with Mitchell re Purvis exhibits + status of original file issue	0.4
MDS	9/5/2019	Confer with parties re Burcart/Jones depositions, evidentiary hearing, subpoenas, phone/texts w/Campbell	1.5
SR	9/5/2019	Review email from DOJ atty/Chin re Smith's medical leave, DOJ will produce responsive documents	0.2
SR	9/5/2019	Tel call with Chin re status of abatement, DHS Resp to pending discovery requests	0.2
SR	9/5/2019	Review Eichner email re steps taken to extract/download EONI emails	0.2
SR	9/5/2019	Edit draft joint Status Reports re input by parties	0.4
SR	9/5/2019	Attend conf call with all parties to discuss numerous discovery issues + status report	0.5
SR	9/5/2019	Prepare emails to Eichner re continuing original file saga	1
SR	9/5/2019	Begin outline of discovery mot re the original client file, request for evidentiary hearing + depo of Jones	2.3
MDS	9/6/2019	Finalize Joint Status Report	0.2
MDS	9/6/2019	Consider issues raised by Eichner's email re her paralegal forgot the original file was located in the firm safe	0.8
MDS	9/6/2019	Tel call with IT expert re the EONI records + email search processes.	1
MDS	9/6/2019	Tel call with certification expert re evaluation of DHS SAFE home study of Campbell	1
SR	9/6/2019	Tel call with Eichner re this latest assertion of 'mistake'	0.2
SR	9/6/2019	Review form of draft status report prepared by EF for circulation to parties	0.2
SR	9/6/2019	Review Eichner's email in Resp to my email re that the original client file was in the safe	0.2
SR	9/6/2019	Exchange email with Eichner re adding discovery of original client file to the joint status report, evid hearing	0.2
SR	9/6/2019	Review Eichner's e-mail claiming that the original file was always in the Lindsay Hart 'safe'	0.3
SR	9/6/2019	Prepare email to Jones/Eichner re place litigation hold on all intra-firm communications re original file	0.5
SR	9/6/2019	Tel call with EF counsel re supplement Joint Status Report re discovery of the original file sitting in the safe	1
SR	9/6/2019	Research the ability to disqualify counsel re preserve integrity of judicial process	1.5
SR	9/8/2019	Research FRCP 37 sanctions case law re Lindsay Hart obfuscation	2.5

Lwyr	Date	Explanation	Hours
MDS	9/9/2019	Review email from IT expert re extraction/review of EONI production from Burcart's email account	0.2
MDS	9/9/2019	Review + evaluate documents produced by DHS	0.5
MDS	9/9/2019	Tel conf with Mitchell re file inspection + potential discovery sanctions	0.5
MDS	9/9/2019	Review status of ESI production, Moffet depo, River City/Bridge Legal compliance issues	1
SR	9/9/2019	Strategize approach to mot for sanctions re discovery violations re original file	1.5
SR	9/9/2019	Review Burcart file + redactions, + review Burcart privilege log noting inconsistencies	2
HW	9/10/2019	Review Burcart + DHS email productions to locate discrepancies	4.2
MDS	9/10/2019	Identify documents to provide to certification expert re evaluate DHS SAFE home study of Campbell	3.6
SR	9/10/2019	Review DHS casenotes + send email to Schneider re add'l inadvertent privileged material	1
SR	9/10/2019	Review Dall conduct vis-à-vis OSB/Jones + strategize potential claims arising therefrom	1.5
MDS	9/11/2019	Prepare email to Lindsay Hart re what Bridge Legal did in responding to our subpoena	0.2
MDS	9/11/2019	Inspect + photograph newly discovered 'original file' with investigator + Mitchell at Lindsay Hart	4.5
SR	9/11/2019	Strategize with team re original file inspection issues + discuss other potential claims re Dall/GRD	1
MDS	9/12/2019	Emails with Mitchell re need for court review at	0.2
SR	9/12/2019	Review + exchange email with parties re timing of R16 conf + issues	0.2
SR	9/12/2019	Complete Memo to file OPDSC Contract + OSB Best Practices Juv Stds + GRD OA in anticip of Dall depo	6.8
MDS	9/13/2019	Continue to work toward scheduling a Rule 16 conf with EF counsel.	0.1
MDS	9/13/2019	Exchange Email with juv law expert re add'l Burcart file materials + DHS documents	0.2
MDS	9/13/2019	Select additional discovery materials to provide to juvenile law expert	0.5
MDS	9/13/2019	Prepare email to certification expert with file information + req for acknowledgment of protective order	0.5
SR	9/13/2019	Review email from Jacobson re MSN's non-Resp to subpoena for Dall emails	0.2
SR	9/13/2019	Tel conf with Jacobson re MSN issues/objections to subpoena + Consent	0.5
MDS	9/16/2019	Prepare Memo re the history of our inspections of Burcart's original client file for use in a discovery mot	2.5
SR	9/16/2019	Review court order re handling of R16 conf	0.1
SR	9/16/2019	Review file Memo re how the actual "original" file differs from the faux original that we inspected initially	0.4
SR	9/17/2019	Strategize compromise approach re obtain insight into Bridge Legal's activities in Resp to our subpoena	0.2
SR	9/17/2019	Outline points for 3rd RFP to Burcart	0.4
SR	9/17/2019	Research caselaw re elements necessary to pierce GRD corporate veil	0.5
SR	9/17/2019	Prepare/attend Rule 16 conf; review Minute Order re same	1.5
MDS	9/18/2019	Finalize Third RFP to Burcart	0.3
SR	9/18/2019	Prepare draft 3rd RFP to Burcart	0.5
SR	9/18/2019	Review Russell treatment notes re course/history of AF counseling + DSM diagnoses	1.2
MDS	9/19/2019	Review Burcart iPad + hard drive extraction data (60 pp) recv'd from Burcart re deficiencies	1
MDS	9/20/2019	Revise specific requests re 3rd RFP to Burcart	0.2
MDS	9/20/2019	mtg with our juv law expert re impact of add'l DHS documents + Burcart file materials	2
SR	9/20/2019	Strategize DHS/Burcart relationship re juv ct proceeding re expert review re same	0.3
MDS	9/27/2019	Exchange email with Jones/Eichner re their refusal to pay for reviewing EONI emails	0.3
SR	9/27/2019	Prepare email to Jagelski re status of MSN subpoena	0.3
SR	9/30/2019	Prepare email to Jagelski re Dall NOD + request to MSN to do a 'header' search to expedite Resp	0.1
KAB	10/1/2019	Review + summarize mental health records for AF + Campbell produced by CHD	1
KAB	10/1/2019	Review + summarize AF medical records produced by GRH	1.8
KAB	10/1/2019	Review + summarize Campbell medical records produced by GRH	2.7
MDS	10/2/2019	Prepare email to Mitchell re status of defendants' document production	0.2
KAB	10/3/2019	Continue summary of the CHD records	2.3
KAB	10/3/2019	Continue review + summary of GRH medical records	3
KAB	10/4/2019	Continue review of GRH medical records re AF + Campbell	4.6
KAB	10/7/2019	Continue to review + summarize CHD records for the attys	5.5
KAB	10/8/2019	Review medical records of AF in DHS documents	1.2
SR	10/8/2019	Review email from Eichner describing Bridge Legal's search process	0.2
SR	10/8/2019	Tel call with Mitchell re Burcart's RFP to EF	0.2

Lwyr	Date	Explanation	Hours
KAB	10/9/2019	Continue summary of medical records produced by Gr+ Ronde Hospital	1.6
KAB	10/10/2019	Continue intensive review of the mental health records from CHD + Village Health	2.6
MDS	10/11/2019	Analyze Burcart/Moffet text messages evidencing their ongoing contact during Campbell's prosecution	0.8
MDS	10/14/2019	Prepare email to IT expert re questions re EONI search parameters	0.2
SR	10/15/2019	Review status of MSN subpoena + Dall Resp re same	0.2
SR	10/15/2019	Exchange email with Jagelski/Olson re whether MSN sent them a revised Consent	0.2
KAB	10/16/2019	Review + summarize Campbell's mental health/depression/suicide records from Village Health	3.4
KAB	10/16/2019	Review + summarize AF abuse/treatment records produced by Mt. Emily	4.2
MDS	10/16/2019	Outline topics for SDTs to Dall + GRD in prep for Dall/GRD combined depo	0.5
MDS	10/16/2019	mtg with IT expert Tim Lawson to review EONI production/limitations issues	1
MDS	10/18/2019	Tel call with Mitchell re Dall's file + AF's Resp to JB rogs	0.5
SR	10/18/2019	Review corresp from Xu justifying the 7 hour rule	0.1
SR	10/18/2019	Prepare email to Dall re same	0.2
SR	10/18/2019	Exchange e-mail with Xu re her intent to apply the 7 hr rule to the combo Dall/GRD depo + 2 plaintiffs	0.5
SR	10/18/2019	Review FRCP re 7 hr rule + caselaw re same	0.6
MDS	10/21/2019	Prepare email to Jones/Eichner re text msgs, phone records, additional ESI, depositions of Burcart + Moffet	0.8
MDS	10/21/2019	Review + select add'l file materials for consulting certification expert	1
MDS	10/21/2019	Begin preparing for Dall + GRD depo	1.5
MDS	10/21/2019	Research Burcart's NEOHA/Di Lynn Larsen-Hill, Lemon + Burcart's membership in the 'Soroptimists'	1.8
HW	10/22/2019	Begin outline of Campbell's DHS child welfare history	5
HW	10/22/2019	Continue timeline of Derric's child welfare history with DHS	5
MDS	10/22/2019	Identify + select exhibits for Dall/GRD depo	3.5
SR	10/22/2019	Review email from Xu piggybacking on Jagelski/Olson's objections	0.1
SR	10/22/2019	Prepare email for Z Olson re Dall objections to MSN subpoena	0.2
SR	10/22/2019	Exchange email with Eichner again requesting date for Burcart depo	0.2
SR	10/22/2019	Review corresp from Jagelski/Olson reiterating their objections to revised MSN subpoena	0.2
MDS	10/23/2019	Tel call with our juv law expert re preparing specific questions for Dall	1
MDS	10/23/2019	Tel call with Mitchell re questions for Dall + apportion time re defendants' use of 7 hr rule	1
MDS	10/23/2019	Tel call with certification expert re her review/impressions of DHS certification of Campbell + use of SAFE	2.4
SR	10/23/2019	Strategize + plan topics for Dall/GRD depo	0.4
HW	10/24/2019	Continue preparing outline of Derric's DHS child welfare history	1.7
MDS	10/24/2019	Travel to La Grande; prepare for Dall/GRD depo	8.6
SR	10/24/2019	Prepare email in resp to Olson's/Xu's objection to revised MSN subpoena + req to confer	0.1
SR	10/24/2019	Prepare email in Resp to Olson's objection to revised MSN subpoena + req time to confer	0.1
SR	10/24/2019	Exchange email with Xu re her insistence on 7 hours for Dall	0.4
MDS	10/25/2019	Travel to Portland	4.5
SR	10/25/2019	Debrief Dall depo w/ Mitchell + prepare questions for Mitchell post-depo interview w/ EF + family	1
KAB	10/30/2019	Review + summarize additional CHD mental health records re DHS involvement	1.4
MDS	10/30/2019	Prepare email to Jones/Eichner re redactions, devices, IT Tom Howe, Burcart's depo	0.2
MDS	10/30/2019	Revise 2nd supplemental OPDS subpoena	0.5
MDS	10/30/2019	Review SDTs to Dall/GRD + prepare email to counsel re lack of diligence in searching for responsive docs	1
MDS	10/30/2019	Continue to research/identify psych expert for AF	1.5
SR	10/30/2019	Review draft email to Jagelski/Xu re failure to search for responsive docs in light of Dall's testimony	0.2
SR	10/31/2019	Review email exchange with Jones/Eichner re Burcart NOD + mutual IT expert review of Burcart's devices	0.2
SR	10/31/2019	Review DOJ Oregon child abuse interviewing guidelines	0.4
MDS	11/1/2019	Exchange emails with Eichner/Lawson + tel conf with IT Howe re search for Burcart ESI	0.5
SR	11/1/2019	Prepare email to Smith re state defendants' depositions + amended pleading deadline set by the court	0.1
SR	11/1/2019	Review Eichner's email reiterating her use of redactions	0.1
SR	11/1/2019	E-mail to Smith re need for depo schedule of State Def witnesses	0.2
SR	11/1/2019	Edit draft email to Jagelski re need for follow up re Dall's search for email	0.2

Lwyr	Date	Explanation	Hours
SR	11/1/2019	Exchange email with Smith re depos of state defendants	0.2
SR	11/1/2019	Research caselaw re juv atty's 1983 joint liability with social service agency	1.7
SR	11/3/2019	Exchange emails with K Eichner re discovery issues + conf call with Howe	0.4
MDS	11/4/2019	Emails to parties re coordination of Moffet depo in Prineville	0.2
MDS	11/4/2019	Exchange emails with Mitchell re feedback provided by EF re his experiences with Dall	0.2
MDS	11/4/2019	Revise draft SDT to Cellular One for Campbell phone numbers.	0.5
MDS	11/4/2019	Tel call with Dr. Jeff Lee to discuss psychological evaluation of AF	1
MDS	11/4/2019	Tel conf w/IT Tom Howe re his search of Burcart's devices	1.5
MDS	11/4/2019	Continue review of DHS documents re add'l DHS workers/witnesses + potential custodians for ESI	1.6
SR	11/4/2019	Review email from Smith, inquiring about reason for depo of Moffet	0.1
SR	11/4/2019	Review investigative information re Dall's prior representation of Father	0.2
SR	11/4/2019	Review Howe's Discovery Protocol re his inspection of Burcart's iPad + hard drive	0.2
SR	11/4/2019	Exchange + review e-mail with Smith + parties re Moffet depo + discovery issues	0.3
MDS	11/5/2019	Review + revise proposed email to DOJ atty Smith re DHS deponents	0.1
MDS	11/5/2019	Exchange emails with EF counsel re Moffet's depo	0.3
MDS	11/5/2019	Prepare, review + send email to Victoria Moffet with re her depo	0.3
MDS	11/5/2019	Review + select documents pertinent to Dr. Lee's psych eval of AF	2.3
SR	11/5/2019	Review Jones' email re Burcart depo	0.1
SR	11/5/2019	Strategize approach to V Moffet's depo	0.2
MDS	11/6/2019	Prepare email to Dr. Lee re retention + acknowledgement of PO	0.2
SR	11/6/2019	Exchange email with Smith re need to confer re State Def depos	0.3
SR	11/6/2019	Strategize retention of Dr. Lee to perform psych eval of AF	0.3
HW	11/7/2019	Revise summary of AF DHS child welfare history	4.6
MDS	11/7/2019	Confirm identification of the recording of Campbell's DUI sentencing w/Dall that was played at his depo	0.3
MDS	11/7/2019	Exchange emails with Moffet re agreement to appear for depo	0.3
MDS	11/7/2019	Prepare email to Jones/Eichner re Howe, search terms/date range, devices, EONI, Moffet	1.4
SR	11/7/2019	Review email from Moffet re her availability for depo	0.1
SR	11/7/2019	Tel call with Smith re State Def depos	0.2
SR	11/7/2019	Confer with EF atty/Mitchell re handling/timing of Burcart depo	0.2
SR	11/7/2019	Review email to Jones/Eichner re Howe's use of discovery protocol, configuration of search terms	0.3
MDS	11/8/2019	Review Acknowledgment of PO from Dr. Lee	0.1
MDS	11/8/2019	Tel call + email exchange with PLF atty/Nathan Steele who now represents Moffet	0.7
MDS	11/8/2019	Analyze Dall depo transcript + consider naming him as a defendant	2.3
MDS	11/9/2019	Exchange email with Xu re apprise her of continuing discovery	0.2
SR	11/9/2019	Research case law re elements of fraud + complicity in the fraud of another	1
SR	11/9/2019	Research potential sanctions for Burcart's failure to produce original client file + creation of faux file	1.5
MDS	11/11/2019	Revise search terms for DOJ ESI	0.7
SR	11/11/2019	Exchange email with Jones re her depo + Burcart's depo	0.2
SR	11/11/2019	Review/exchange e-mail with Jones re Burcart depo as a fact witness, + Burcart's depo	0.4
HW	11/12/2019	Continue preparing AF summary + outline	3
MDS	11/12/2019	Tel call with Microsoft/Brian Jacobsen re production of Dall emails, revision of subpoena	0.4
HW	11/13/2019	Prepare the audio files from the court juvenile hearings for submission to Mitchell	2
MDS	11/13/2019	Prepare email to Jagelski re withheld Dall emails + MSN subpoena	0.3
MDS	11/13/2019	Participate in Tel call with Gushwa re subpoena production + assertions of privilege	0.3
MDS	11/13/2019	Exchange email with Steele re Moffet's depo	0.3
MDS	11/13/2019	Finalized ltr to Gushwa re protective order + Burcart's statement to investigator Melton	0.3
MDS	11/13/2019	Prepare revised subpoena to Microsoft re Dall + Campbell email headers based on call with Jacobson	1.3
MDS	11/13/2019	Review files materials to provide to Dr. Lee	1.5
MDS	11/13/2019	Exchange email with Mitchell re RFPs + Resps + strategize discovery requests to DHS.	1.8
SR	11/13/2019	Review email from Smith re depos of state defs, complete each depo in 7 hours	0.2

Lwyr	Date	Explanation	Hours
SR	11/13/2019	Confer with EF atty/Mitchell re projected allocation/use of depo time for each plaintiff	0.2
SR	11/13/2019	Review investigator info on NEOHA employee/Larsen re her relationship to Evans/Turner + Burcart	0.2
SR	11/13/2019	Tel call with Gushwa re his Resp to our subpoena for Burcart's statement to Melton	0.3
SR	11/13/2019	Review RPC 1.6 + court's Protective Order re prepare for tel conf with Gushwa	0.4
SR	11/13/2019	Prepare email to Gushwa confirming work product + scope of the protective order conferral	0.6
HW	11/14/2019	Review DHS production to locate New Day Enterprise references	0.3
MDS	11/14/2019	Prepare ltr to Dr Lee re psych eval of AF	0.4
MDS	11/14/2019	Prepare Amended NOD for Moffet	0.4
MDS	11/14/2019	Tel call with Mitchell re allegations in amended complaint re Dall	0.5
MDS	11/14/2019	Tel call with New Day Enterprises re identify responsive documents	0.6
MDS	11/14/2019	Review Burcart's redacted phone records re prepare ltr to the court requesting discovery conf	0.9
SR	11/14/2019	Exchange email with Olson re having MSN provide emails directly to Jagelski/Olson	0.2
SR	11/14/2019	Review select materials to be sent to Dr. Lee for purposes of AF psych eval	0.2
SR	11/15/2019	Tel conf with PLF atty/John Pollino who now represents Gushwa re protective order/subpoena re Burcart	0.2
MDS	11/16/2019	Review + analyze email from Steele/Moffet requesting our work product	0.2
SR	11/16/2019	Review investigative info re timing of Burcart/Lemon's participation in the local "Soroptimist" organization	0.2
SR	11/16/2019	Evaluate Steele's claim that Mother was incompetent + his threat to file Bar Complaint re same	0.5
MDS	11/18/2019	Prepare email to Steele re conferral on his request for work product re communications with Mother	0.2
MDS	11/18/2019	Revise SDT Addenda re limit search to email headers for Campbell/Dall ESI	0.3
MDS	11/18/2019	Prepare email to Burcart re request for ESI search, search terms, Burcart's request to depo of AF	0.5
MDS	11/18/2019	Tel call with RMB ethics counsel re Steele's threat of a bar complaint	0.7
MDS	11/18/2019	Tel call + exchange emails with Mitchell re Burcart's depo, discovery gaps + usage of depo time	1
MDS	11/18/2019	Prepare topics for use in Addenda in SDTs to Google, Hotmail, + MSN	1.2
SR	11/18/2019	Review from Pollino raising work product objections to Gushwa's communications with Burcart	0.4
MDS	11/19/2019	Respond to DOJ's intent to strictly apply 7 hr rule to depositions of the state defendants	0.2
MDS	11/19/2019	Prepare email to Steele re his dem+ for 'a waiver consistent with the ethical rules' tactic	0.3
MDS	11/19/2019	Tel call with RMB ethics counsel re Steele's position + threat of Bar complaint	0.5
MDS	11/19/2019	Review OPDS subpoena re statewide survey showing Burcart/Dall/GRD failure to meet with child clients	1.7
SR	11/19/2019	Review Union County DA emails re Gushwa requested Mt. Emily abuse eval after Burcart's texted Campbell	0.4
MDS	11/20/2019	Review + analyze email from Dall counsel re withheld production.	0.3
MDS	11/20/2019	Prepare email to Steele reiterating conferral re his dem+/threat	0.3
MDS	11/20/2019	Exchange email with Dall counsel re withheld production + incomplete search	0.3
MDS	11/20/2019	Prepare language for additional subpoena for GRH's 'clinical' records	0.5
MDS	11/20/2019	Review investigative information showing that Moffet + Burcart previously represented Father	0.5
MDS	11/20/2019	Review select GRH production + follow up with GRH re Campbell's medical records	1.2
MDS	11/20/2019	Identify + select documents for use at Moffet depo	2.8
MDS	11/20/2019	Prepare ltr to court re global discovery issues + Burcart's missing phone records/redactions	3.2
SR	11/20/2019	Prepare follow up email to Pollino re status of his Resp to Gushwa/Melton subpoenas	0.1
SR	11/20/2019	Review email exchange b/t Burcart/DOJ re Burcart will not examine DHS deponents	0.2
MDS	11/21/2019	Prepare email to Mother re release of her client file	0.2
MDS	11/21/2019	Strategize Resp to Steele re his threat of bar complaint	0.3
MDS	11/21/2019	Review yet another MSN objection + prepare email to MSN/Johnson re same	0.4
MDS	11/21/2019	Plan contact w/ Mother to rebut Steele's assertion that her client release is incompetent	0.5
MDS	11/21/2019	Confer by phone + email w/Steele re his competency/validity of waiver of atty client privilege issue	1
MDS	11/21/2019	Analyze DOJ discovery + prepare email to Smith re search terms, RFPs, Campbell guardianship study	1
MDS	11/21/2019	Research caselaw distinguishing atty negligence from breach of fiduciary duty	2.3
MDS	11/21/2019	Prepare questions + documents for Moffet depo	3
SR	11/21/2019	Strategize alleging breach of fiduciary duty against Burcart re her disclosures to Campbell/Gushwa	0.6
MDS	11/22/2019	Prepare/exchange emails with Steele re need to confer, client file release, contact with OSB	0.5
MDS	11/22/2019	Revise ltr to Judge Sullivan re discovery issues	1

Lwyr	Date	Explanation	Hours
SR	11/22/2019	Tel call with Pollino re his objections to our Gushwa/Melton subpoena	0.2
SR	11/22/2019	Review Mitchell email + draft of claim against Dall based on OPDS production	0.2
SR	11/22/2019	Prepare email to Pollino confirming the points covered in our conferral	0.2
SR	11/22/2019	Prepare email to Steele re his 'improper' consent issue + inviting a joint call with OSB ethics counsel	0.6
MDS	11/25/2019	Prepare + exchange emails with OSB GC Hollister + Steele re issues raised by Steele	1.2
MDS	11/25/2019	Prepare + attend conferral with Smith + Mitchell re DHS documents + plan for depositions	1.7
SR	11/25/2019	Confer with ethics counsel re Steele's claim re Mother's competency to waive + the Bar Complaint tactic	1
MDS	11/26/2019	Revise email to Jagelski re continued withholding of Dall email	0.4
MDS	11/26/2019	Review + revise mot for extension of time + supporting Decl	0.5
MDS	11/26/2019	Tel conf with atty Bonnie Richardson re representation of Mother	1.2
MDS	11/26/2019	Review caselaw re statute of limitations defense in advance of seeking extension on filing deadline	1.5
MDS	12/2/2019	Revise ltr to Judge Sullivan re numerous Burcart's obfuscation of discovery	0.7
MDS	12/2/2019	Confer with DOJ atty Chin re production of DHS documents + discovery, revised search terms	2.5
NR1	12/2/2019	Begin review + summary of voluminous OR-Kids records + create Memorandum to file	3.6
SR	12/2/2019	Prepare email to Polino re R26 request for a privilege log of what's being withheld	0.2
MDS	12/3/2019	Prepare email to Dr. Lee re clarify status of materials he has received	0.1
MDS	12/3/2019	Revise ltr to DOJ re discovery gaps + status of NODs to Evans + Turner	1
NR1	12/3/2019	Continue summary of OR-Kids records + revise file Memo re same	6.4
SR	12/3/2019	Review Steele's email seeking to confer only with me	0.2
SR	12/3/2019	Edit draft corresp to DOJ re timing/logistics of state defendants' depositions in light of pleadings deadline	0.4
SR	12/3/2019	Finalize corresp to the court re Burcart + related discovery issues	2.4
MDS	12/4/2019	Consult with Mitchell re coordination of depo efforts	0.3
MDS	12/4/2019	Prepare email to DOJ re delayed email production impacts our ability to complete Evans/Turner depositions	0.5
MDS	12/4/2019	Review discovery in preparation for taking the depositions scheduled for 12/7-9	4
NR1	12/4/2019	Continue summarizing DHS OR-Kids documents	4.6
SR	12/4/2019	Tel call (vm) from N Steele re Moffet's depo + Mother's release	0.1
SR	12/4/2019	Tel call (vm) with Steele to speak with me	0.1
SR	12/4/2019	Exchange e-mail + corresp with Pollino re his atty/client privilege objections	0.4
SR	12/4/2019	Exchange email with Smith/Chin re DHS emails will not be produced prior to Evans/Turner depositions	0.5
SR	12/4/2019	Review Smith's position on producing the worker's phone records + DHS depositions	0.6
MDS	12/5/2019	Confer with EF counsel re approach/coordination for upcoming depositions	1
MDS	12/5/2019	Research caselaw re scope of Steele's assertions of privilege in prep for depo of Moffet	2.7
NR1	12/5/2019	Continue summary of OR-Kids documents	5.1
SR	12/5/2019	Prepare email to Smith re need for reset of DHS depositions to allow for email production beforehand	0.1
MDS	12/6/2019	Emails with DOJ atty to clarify our proposed order of rescheduled DHS depositions	0.4
MDS	12/6/2019	Outline points in prep for mot to Compel re Moffet	4.8
NR1	12/6/2019	Continue summarizing OR-Kids documents	4.2
SR	12/6/2019	Exchange e-mail with Smith re Plf's proposed order of DHS depositions	0.3
MDS	12/7/2019	Continue preparing MTC directed at Moffet	2
MDS	12/9/2019	Exchange emails with Dr. Lee re AF psych evaluation	0.2
MDS	12/9/2019	Review privilege log supplied by Pollino	0.2
MDS	12/9/2019	Tel call with Steele (VM) in Resp to his email	0.2
MDS	12/9/2019	Prepare email to Smith re ESI, Lemon personnel file, trainings, guardianship study, policies, OR-Kids	0.8
MDS	12/9/2019	Complete first draft of MTC Moffet	1.6
NR1	12/9/2019	Review 10th judicial district statewide criminal/juvenile law surveys, prepare Memo to file	6.4
SR	12/9/2019	LR 7 tel conferral with Steele re MTC Moffet	0.1
SR	12/9/2019	Review email from Dr. Lee re completion of his review, + plan contact re same	0.2
SR	12/9/2019	Exchange email with M Breiling to provide updated case information + status	0.2
SR	12/9/2019	Edit draft email to Smith re email, phone, policies + other materials that remain outstanding	0.5
MDS	12/10/2019	Tel call + exchange emails with Wilkinson re follow up on MSN Resp to our subpoena	0.6

Lwyr	Date	Explanation	Hours
MDS	12/10/2019	Prepare investigative requests re interviews of McDonald's coworkers, Campbell's half-sisters + CASA	0.9
MDS	12/10/2019	Tel call with Mitchell re Burcart/depos, discovery extension, discovery mots practice	1
MDS	12/10/2019	Research atty opinion/fact work product caselaw in prep for mot to Compel re Gushwa/Melton	1.4
MDS	12/10/2019	Review + analyze phone records of Campbell received in discovery	2
SR	12/10/2019	Review additional communications produced by US Cellular	0.2
SR	12/10/2019	Participate in Tel conferral with Smith + Chin re discovery issues	0.3
SR	12/10/2019	Prepare mot to Compel re Gushwa/Melton subpoenas	2.8
MDS	12/11/2019	Exchange email re discovery conferral with Chin	0.2
MDS	12/11/2019	Continue analysis of Burcart/Campbell communications during Campbell's prosecution	1.3
NR1	12/11/2019	Identify other potential DHS email custodians based on review/summary of OR-Kids records	0.5
NR1	12/11/2019	Continue review of 10th judicial district statewide surveys, revise memo re same	6.1
MDS	12/12/2019	Confer with Chin re ESI, text messages, phone records, Lemon trainings, depo order	0.5
MDS	12/12/2019	Tel call with Mother re client release + consider independent legal rep	0.5
MDS	12/12/2019	Prepare email confirming points discussed	0.8
MDS	12/12/2019	Edit draft MTC to Gushwa re substantial hardship/undue burden argument	1.1
MDS	12/12/2019	Review status of AF social media re requests for same by Burcart	1.6
NR1	12/12/2019	Continue review + memo re OR-Kids records	5.8
SR	12/12/2019	Review draft email to DOJ re email, phone, personnel files, policies + other issues	0.2
SR	12/12/2019	Review Mother's Declaration re consent to release her file with Moffet on behalf of her sons	0.2
MDS	12/13/2019	Finalize email to Chin re ESI, phone records, Lemon trainings, guardianship study, depos + disc schedule	0.4
NR1	12/13/2019	Continue review + memo re the 10th judicial district statewide surveys	3.4
MDS	12/16/2019	Tel call to atty Bonnie Richardson re potential representation of Mother	0.5
MDS	12/16/2019	Review Foster Parent College curriculum referenced in Lemon emails	1
MDS	12/16/2019	Receive production of google records, + analyze Evans + Lemon's communications	1.2
NR1	12/16/2019	Continue summarizing 10th judicial district statewide surveys + revise memor+um re same	4
SR	12/16/2019	Review email/corresp from google re our subpoena for Campbell's TRIGON1OMAS@GMAIL.COM.	0.2
SR	12/16/2019	Edit draft MTC Gushwa, arguing Campbell waived priv by disclosing Gushwa communications to Burcart	2
MDS	12/17/2019	Tel call with Mother re referral to Bonnie Richardson	0.4
MDS	12/17/2019	Email exchange w/Middleton re Eichner conferral re Burcart ESI issues, extension of pleadings deadline	0.8
SR	12/17/2019	Review EF/atty Mitchell email, relating her conferral with Eichner re depo of Burcart	0.1
MDS	12/18/2019	Prepare email to Richardson re logistics re Mother	0.2
MDS	12/18/2019	Review EF's mot to extend pleading deadline	0.2
MDS	12/18/2019	Follow up call/email with Microsoft re ESI production	0.4
MDS	12/18/2019	Revise ltr to the court re newly discovered Campbell's use of another cell number/contacts with Burcart	1.7
SR	12/18/2019	Review (finally) MSN email + corresp, producing Dall email	0.2
SR	12/18/2019	Review exchange of email b/t Mitchell + Smith re EF's req to extend close of pleadings deadline	0.2
SR	12/18/2019	Strategize impact of Bonnie Richardson's representation of Mother	0.3
SR	12/18/2019	Edit Mot to Compel re Gushwa's claim of atty/client privilege + add argument re waiver under FRE 502	1.6
MDS	12/19/2019	Analyze production from Microsoft, notice deficiencies, identify contact person + follow up with issues	0.5
MDS	12/19/2019	Review Mother's proposed Declaration with Richardson	0.8
MDS	12/19/2019	Tel call with atty Bonnie Richardson re her representation of Mother + status of case/competency issue	1
MDS	12/19/2019	Analyze call clusters showing Campbell's phone contacts with DHS after AF	1
SR	12/19/2019	Review EF mot for extension + supporting Decl of Mitchell	0.1
SR	12/19/2019	Review email from Richardson re her representation of Mother	0.1
SR	12/19/2019	Review draft of First Amended Complaint re potential for claims against GRD	1.5
MDS	12/20/2019	Follow up with Microsoft/Amber Brazier re deficient production	0.3
MDS	12/20/2019	Begin revising factual allegations for an Amended Complaint based on discovery + investigation	4.2
MDS	12/23/2019	Emails with MSN re attempts to obtain additional production of ESI	0.3
MDS	12/23/2019	Emails with EF counsel re allegations against certifier Lemon + DHS guardianship policies	0.9
MDS	12/23/2019	Review + analyze production of additional DHS case records + training materials	1.5

Lwyr	Date	Explanation	Hours
MDS	12/23/2019	Continue preparation of AF's Amended Complaint	3
SR	12/24/2019	Exchange email with DOJ re attempt to clawback waiver of DOJ-DHS staffings	0.2
MDS	12/26/2019	Review + analyze prior emails with DOJ re DOJ-DHS re staffings	0.3
MDS	12/26/2019	Continue to follow up with Microsoft re production of Campbell email	0.4
MDS	12/26/2019	Review assertion of privilege by DOJ + identifying that copied DOJ lawyers + paralegals	0.5
MDS	12/26/2019	Continue preparing Amended Complaint	9
SR	12/26/2019	Review email from Steele, again seeking communications with Mother	0.2
SR	12/26/2019	Exchange email with Smith re DOJ's assertion of privilege re the DOJ-DHS staffings is untimely	0.5
SR	12/26/2019	Exchange email with Smith re DOJ's failure to request Burcart to return/destroy the DOJ-DHS staffings	0.5
MDS	12/27/2019	Continue to review + revise MTC Moffet	2.8
MDS	12/27/2019	Continue preparing Amended Complaint	7
MDS	12/28/2019	Contact consulting psychology expert re Russell's standard of care	1
MDS	12/28/2019	Tel call with Mitchell re Amended Complaints	1.5
MDS	12/28/2019	Continue to prepare Amended Complaint	4
SR	12/28/2019	Review email from Mitchell + her draft amended complaint re EF	0.5
MDS	12/29/2019	Send email requesting extension of time to file AC	0.1
MDS	12/29/2019	Confer with EF counsel re claims + complaint, mot for extension	1
MDS	12/29/2019	Review, analyze + offer feedback on complaint of EF	2
MDS	12/29/2019	Finish first draft of Amended Complaint	5
SR	12/29/2019	Confer with EF atty/Mitchell re extension to amended pleadings deadline	0.2
MDS	12/30/2019	Exchange email with Smith request conferral on discovery issues + document production	0.3
MDS	12/30/2019	Prepare mot to extend time + supporting Declaration	0.6
MDS	12/30/2019	Finalize MTC re Moffet	2.3
MDS	12/30/2019	Review DHS documents provided anew on 12/23 re prep for DHS depositions + for Burcart	2.5
MDS	12/30/2019	Receive + begin review of production from Microsoft re Campbell "trigonomas" email account	2.5
NR1	12/30/2019	Complete 10th judicial district statewide surveys summary + Memo	4.7
MDS	12/31/2019	Tel conferral with Smith re discovery issues	0.5
MDS	12/31/2019	Continue to review newly rec'd documents from DHS re certification	4
SR	1/1/2020	Exchange email with Smith re DOJ-DHS staffings + his request to no longer copy DOJ paralegals	0.3
SR	1/1/2020	Exchange email with Smith re inadvertently produced materials + request to not copy DOJ paralegals	0.3
SR	1/1/2020	Review draft AC + prepare BFD claim against Burcart re communications with Campbell/Gushwa/Moffet	4.6
MDS	1/2/2020	Confer with counsel for EF re the Lemon 1983 allegations	0.6
MDS	1/2/2020	Revise Amended Complaint re 1983 claim against Lemon, Burcart BFD allegations	2
MDS	1/2/2020	Revise MTC Gushwa	2.1
SR	1/2/2020	Review court order granting add'l brief extension to file amended pleading	0.1
SR	1/2/2020	Prepare email to Mitchell attaching draft corresp to the court, mots to compel Moffet/Gushwa	0.2
SR	1/2/2020	Review email from EF attys re draft/review of Gushwa/Melton MTC	0.3
SR	1/2/2020	Exchange email with EF attys re issues raised upon their review of the draft mots re scope of waiver	0.4
SR	1/2/2020	Edit draft AC re allegations against Burcart re her breach of duty of honesty/loyalty	0.5
SR	1/2/2020	Evaluate whether to name GRD	0.7
SR	1/2/2020	Revise allegations re a direct negligence claim against GRD	1.2
SR	1/2/2020	Analyze issues raised by DOJ re waiver of staffings + prepare Resp e-mail re same	1.5
SR	1/2/2020	Revise section 1983 allegations against certifier Lemon	3.2
SR	1/2/2020	Prepare suppl factual allegations in AC based on the discovery	6.8
MDS	1/3/2020	Prepare email to Richardson re Steele's representations about Mother's addiction hx	0.3
MDS	1/3/2020	Prepare Unopposed mot to file Amended Complaint	0.4
MDS	1/3/2020	Revise mot to file Amended Complaint; email to DOJ re its position	0.4
MDS	1/3/2020	Conferral emails with Smith re DHS, ESI, phone records, metadata, privilege	0.8
MDS	1/3/2020	Confer with EF attys re claims in EF's draft Amended Complaint	1
MDS	1/3/2020	Finalize Amended Complaint	1.8

Lwyr	Date	Explanation	Hours
MDS	1/3/2020	Finalize MTC Gushwa + supporting Decl	1.8
MDS	1/3/2020	Revise + supplement ltr to court re R16 conf + hx of referenced discovery issues	2
MDS	1/3/2020	Finalize MTC Moffet + revise supporting Decl + exhibits	2.5
NR1	1/3/2020	Begin review + summary of 5000 DHS emails produced today + create file Memo	6.4
SR	1/3/2020	Receive email from DOJ paralegal/Sullivan enclosing additional DHS certification training materials	0.3
SR	1/3/2020	Exchange email with DOJ re late delivery/production of new emails + contact with the court	0.4
SR	1/3/2020	Strategize handling of voluminous DHS emails produced today	0.5
SR	1/3/2020	Analyze + review proposed e-mail to Burcart re numerous discovery issues	0.5
SR	1/3/2020	Prepare draft mot to Amend the Complaint + supporting Decl	0.5
SR	1/3/2020	Prepare Decl in support of MTA re consideration for additional leave in light of discovery delays	0.5
SR	1/3/2020	Finalize Amended Complaint	2.7
SR	1/3/2020	Continue prep of AC re additional BFD allegations against Burcart; negligence claim against Dall	3.5
SR	1/3/2020	Outline + prepare ltr to Judge Sullivan outlining discovery issues	5.2
SR	1/4/2020	Begin Review e-mails + related documents produced by DOJ; Consider impact on depositions	4.8
MDS	1/5/2020	Begin preparation for depositions of DHS Evans/Lemon	4
SR	1/5/2020	Prepare email to GAL re status of state defs' depositions in La Grande	0.1
SR	1/5/2020	Prepare email to DOJ re late delivery of 5000 emails requires that we leave depositions open	0.2
SR	1/5/2020	Conduct overview of the late production by DOJ of responsive emails	0.5
MDS	1/6/2020	Discuss Dall follow-up with co-counsel, forward prepared email re withheld emails + missing documents.	0.2
MDS	1/6/2020	Burcart's counsel to delay depo in light of undisclosed diagnosis.	0.7
MDS	1/6/2020	Tel call with Dr. Lee re psych eval of AF	1
MDS	1/6/2020	Exchange numerous emails + phone calls with parties re reshuffling of Burcart/DHS depositions	1
MDS	1/6/2020	Review DHS document production re Lemon/SAFE trainings + identify depo exhibits	1.4
MDS	1/6/2020	Continue to prepare for depositions of Evans, Lemon	3
NR1	1/6/2020	Continue summary of DHS emails + revise memo	5
SR	1/6/2020	Prepare email to Jones re we must agree to no waiver of phys/patient privilege in order to receive dr. note	0.1
SR	1/6/2020	Review investigator information/photo re Burcart remains on vacation	0.1
SR	1/6/2020	Review Mitchell/Smith email exchange re EF's attendance at state defs' depositions	0.2
SR	1/6/2020	Exchange email with Jones re Burcart's new medical condition	0.2
SR	1/6/2020	Prepare email to Jagelski re completion Dall's depo re the failure to produce key emails b/t Jones/Dall	0.4
SR	1/6/2020	Prepare email to Jagelski re MSN emails, re-depo of Dall in light of withheld documents	0.7
SR	1/6/2020	Attend tel conf with Dr. Lee re foundation for psych eval of AF	1
SR	1/6/2020	Exchange emails w/re Burcart's new medical conditions + claimed phys/patient priv re same	1
SR	1/6/2020	Continue review of Burcart docs re prepare for depo	4.8
SR	1/6/2020	Review documents in preparation for DHS depositions	5.2
MDS	1/7/2020	Identify 11.14.19 NOD served on Burcart, send to co-counsel for analysis of claims of medical condition.	0.2
MDS	1/7/2020	Receive memo re NEOHA Campbell Lease re DHS financial support	0.3
MDS	1/7/2020	Review history/timeline of conferral efforts dealings in advance of Burcart depo	0.6
MDS	1/7/2020	Continue to identify documents for use as exhibits in DHS depositions	5.2
NR1	1/7/2020	Continue summarizing the DHS emails	6.2
SR	1/7/2020	Exchange email with Jones re her failure to confirm Burcart's return from Middle East vacation	0.2
SR	1/7/2020	Review emails from Jones re Burcart's apparent med condition + status of return from vacation	0.2
SR	1/7/2020	Review email exchange b/t the court + Jones/Eichner re court's request for Resp to my 1/3 ltr	0.2
SR	1/7/2020	Review Burcart's Resp + objections to our First RFP	0.3
SR	1/7/2020	Strategize Lee psych eval, Burcart's apparent health issue causing DHS depositions to precede her depo	1
SR	1/7/2020	Begin review of file Memo re DHS emails re Turner's knowledge/involvement in Campbell child welfare hx	2.7
MDS	1/8/2020	Exchange emails with Jagelski re mot to amend, conferral on additional depo	0.2
MDS	1/8/2020	Review + revise ltr to Burcart counsel re timeline of NOD.	0.2
MDS	1/8/2020	Review + analyze SDT to Google for Campbell emails	0.3
MDS	1/8/2020	Research Burcart's prior hx of using illness in context of a prior Bar complaint	0.4

Lwyr	Date	Explanation	Hours
MDS	1/8/2020	Review Evans + Turner late Resps to our RFPs	0.7
MDS	1/8/2020	Prepare additional records for Dr. Lee re AF psych eval	1.2
MDS	1/8/2020	Analyze status of DHS email production; prepare email to Chin re impact on DHS depositions	2.2
SR	1/8/2020	Review email from Jagelski re dem+ that AF pay Dall for to review the MSN email subject headers	0.1
SR	1/8/2020	Review email from DOJ/Chin re resp to req for search terms used to produce state defs' email	0.1
SR	1/8/2020	Prepare email to Jagelski re Dall's need to review his emails for objections; completion of Dall's depo	0.2
SR	1/8/2020	Strategize the investigator info re Burcart's prior use of giardia in deflecting prior Bar complaint	0.3
SR	1/8/2020	Review Evans's + Turner's Resps to our RFP re objections/gaps in production + lack of timeliness	0.4
SR	1/8/2020	Strategize late DHS email production, timing of depositions, Dall delay, need for court involvement	0.8
MDS	1/9/2020	Revise draft proposed ltr to Burcart counsel re discovery issues	0.2
MDS	1/9/2020	Emails with DOJ AAG Eleanor Chin re email production, search protocols	0.5
MDS	1/9/2020	Exchange email with DOJ re email production, protocols, apparent issues with search terms	1.5
MDS	1/9/2020	Review + select relevant emails from the 1/3 DHS production for use in upcoming depositions	4.5
SR	1/9/2020	Prepare email to Jones/Eichner re hx of our efforts to depose Burcart, need for court involvement re same	0.5
SR	1/9/2020	Finalize email to N Jones re Burcart depo, medical condition, + need for court involvement	0.6
MDS	1/10/2020	Tel call with EF counsel re Burcart depo, DOJ clawback	0.5
MDS	1/10/2020	Exchange emails with DOJ re claw back + instruct paralegals to sequester documents at issue	2
MDS	1/10/2020	Continue to review + select DHS emails for use in depositions	4.8
NR1	1/10/2020	Continue review/summary of DHS emails	5.9
SR	1/10/2020	Review email from Jones reiterating her objection to making Burcart available for depo	0.1
SR	1/10/2020	Review draft email to Chin, requesting supplemental production/search of Evans's email inbox	0.1
SR	1/10/2020	Review email from Chin, advising that she will "look into the search issues" that we have raised	0.1
SR	1/10/2020	Review email + ltr from Chin, relating search terms/methodology + Excel spreadsheet	0.2
SR	1/10/2020	Review Eichner corresp to J Sullivan re Burcart's phone records, texts with Campbell, length of depo	0.3
SR	1/10/2020	Exchange email with Jones re Burcart medical condition	0.4
SR	1/10/2020	Review email from Smith re a revised discovery schedule + strategize Resp re same	0.5
SR	1/10/2020	Review Evans casenotes re prep for Turner depo	3.2
MDS	1/13/2020	Review + analyze email from Burcart's counsel re "miscommunication" with paralegal	0.2
MDS	1/13/2020	Review + analyze ltr from Burcart's counsel responding to 1/3 ltr	0.5
MDS	1/13/2020	Research whether Burcart's doctor's note supporting her medical condition is privileged	0.5
MDS	1/13/2020	Confer with Jagelski re AF, email production, withheld emails, Dall completion	0.7
MDS	1/13/2020	Prepare exhibits for court's review re Burcart failure to respond to our 1/3 ltr + medical condition	1.7
NR1	1/13/2020	Continue review + summary of DHS emails	6.4
SR	1/13/2020	Prepare email to all DOJ counsel re req time to confer on Smith's proposed disc schedule	0.1
SR	1/13/2020	Prepare email to all counsel re seeking consent to an expedited hearing on Burcart's MPO	0.2
SR	1/13/2020	Strategize averments in the Jones Declaration in support of Burcart MPO	0.3
SR	1/13/2020	Prepare email re seeking expedited hearing on Burcart's mot	0.3
SR	1/13/2020	Review Burcart emails to court re untimely Resp is due to her paralegal	0.5
SR	1/13/2020	Strategize Burcart's filing of MPO + outline points for Resp	0.7
SR	1/13/2020	Review Burcart Mot for Pro Order + 12/1 of Jones + plan handling re same	1
MDS	1/14/2020	Exchange mail with court + parties re argument on ltrs + Burcart MPO	0.2
MDS	1/14/2020	Review ltr from Richardson re representation of Mother	0.3
MDS	1/14/2020	Review state defendants' first RFP	0.5
MDS	1/14/2020	Review Interrogatories recv'd from state defendants	0.6
MDS	1/14/2020	Tel call with GAL Breiling re status of case + interrogatories + production requests	0.6
NR1	1/14/2020	Continue review + summary of DHS email discovery	4.1
SR	1/14/2020	Continue prep of Resp to Burcart MPO	0.1
SR	1/14/2020	Review email from J Sullivan requesting the parties to confer on setting Tel hearing	0.2
SR	1/14/2020	Prepare email to court withdrawing expedited hearing req in light of Jagelski's unavailability	0.2
SR	1/14/2020	Review + exchange email with all counsel re the expedited hearing request	0.3

Lwyr	Date	Explanation	Hours
SR	1/14/2020	Receive + review DHS Privilege Log + plan Resp re same	0.4
SR	1/14/2020	Review + compare DHS Evans + Turner Interrogatories to AF + EF + plan Resp	1
SR	1/14/2020	Review corresp/emails leading to AF's NOD of Burcart + hx of efforts to depose this elusive defendant	2.3
SR	1/14/2020	Research whether Burcart can place her medical condition in issue + simultaneously claim privilege	2.5
SR	1/14/2020	Prepare Resp to Burcart MPO, select exhibits, prepare supporting Decl	3.9
MDS	1/15/2020	Finalize supporting Decl in Resp to Burcart MPO	2.6
NR1	1/15/2020	Continue review + summary of DHS email	6.3
SR	1/15/2020	Review email exchange re court's availability for conf on 1/16	0.2
SR	1/15/2020	Review email + corresp from state defendants re claw back slipsheets, share file link re same	0.2
SR	1/15/2020	Prepare confirming email to GAL re points covered, attach state defs' interrogatories + RFP	0.2
SR	1/15/2020	Strategize Resp to DHS rogs + RFP to AF	0.3
SR	1/15/2020	Tel conf with M Breiling re status of case, Burcart MPO	0.4
SR	1/15/2020	Edit + finalize Resp to MPO + Decl	0.8
SR	1/15/2020	Review the state defendants' first privilege log listing 149 documents	1
MDS	1/16/2020	Review specific requests for docs made in our proposed Third RFP to Burcart	0.2
MDS	1/16/2020	Review email from Richardson + attached Declaration from Mother	0.4
MDS	1/16/2020	Review Burcart subpoenas to EONI + US Cellular re scope limitations	0.5
MDS	1/16/2020	Prepare/attend court hearing re AC, timing/length of Burcart depo, order that Burcart search all devices	1.2
MDS	1/16/2020	Prepare for discovery conf with Judge Sullivan	2.5
NR1	1/16/2020	Continue review + summary of DHS email	4.4
SR	1/16/2020	Review court's order denying Burcart's MPO + requiring production of 'all records' + date of litigation hold	0.2
SR	1/16/2020	Strategize Mother's Decl re rebuttal to Steele's representations	0.3
SR	1/16/2020	Strategize + outline points for oral argument on Burcart's MPO	0.5
SR	1/16/2020	Prepare/attend hearing on pleadings + discovery issues (7 attys present)	2.4
SR	1/16/2020	Continue edit/finalization of Amended Complaint	5.6
MDS	1/17/2020	Outline topics in SDT to Burcart re the 2/18 depo date	0.5
MDS	1/17/2020	Receive, review + begin to analyze Resps to mot to compel Gushwa-Melton.	0.7
MDS	1/17/2020	Review + proof Amended Complaint in advance of filing.	0.9
MDS	1/17/2020	Analyze Steele Declaration re his representations of communications leading to the MTC	1
MDS	1/17/2020	Tel call with Richardson re Steele's Declaration implicating atty Jared Boyd	1
MDS	1/17/2020	Review corresp with Dall re withheld emails, MSN headers	1.2
MDS	1/17/2020	Prepare email to Jones re Burcart depo, phone records/devices + back-ups, EONI, litigation hold	1.6
SR	1/17/2020	Edit draft corresp to Jones/Eichner re Burcart's phone records, devices, iCloud account, litigation hold	0.2
SR	1/17/2020	Review draft Resp to Jagelski re his withholding of email	0.2
SR	1/17/2020	Strategize amended NOD to Burcart + req to bring specific documents re the SDT	0.4
SR	1/17/2020	Prepare email to Jagelski re acceptance of service of AC, withheld emails, MSN email subject headers	0.4
SR	1/17/2020	Edit draft email to Burcart re ongoing discovery issues/disputes	0.6
SR	1/17/2020	Draft 4th RFP to Burcart re joint defense agreements, Jones/Dall/DOJ communications	1
SR	1/17/2020	Finalize Amended Complaint + Decl. re need to reserve for add'l leave in light of discovery issues	2
SR	1/17/2020	Finalize First Amended Complaint	2.7
SR	1/17/2020	Review Moffet Resp to our MTC + outline points for a draft of Reply	4.8
SR	1/18/2020	Review Gushwa/Melton Resp to our MTC + supporting Decl of Melton	1.5
SR	1/18/2020	Research Gushwa (a non-party) ability to raise work product	2.6
MDS	1/20/2020	Prepare email to DOJ re lack of Evan's email, need for personnel files, trainings, metadata	0.5
MDS	1/20/2020	Research confidentiality of juvenile court records for use in draft of Reply to Moffet Resp	0.6
MDS	1/20/2020	Review DHS discovery corresp, requests + production	1
NR1	1/20/2020	Continue review + summary of DHS email	4.4
SR	1/20/2020	Review Waiver of service on Dall signed by Jagelski for completeness	0.1
SR	1/20/2020	Review investigative info re Jared Boyd's representation of Mother, membership in GRD	0.4
SR	1/20/2020	Research whether Campbell waived privilege by disclosing communication to Burcart; edit draft of Reply	3.2

Lwyr	Date	Explanation	Hours
MDS	1/21/2020	Research home number of DC as indicated in certification file	1
SR	1/21/2020	Outline points for draft Reply to Moffet's Resp to our MTC	2.6
SR	1/21/2020	Revise draft of Reply re Gushwa's reliance on RPC 1.6 + failure to correctly discern the claims alleged in AC	6.5
MDS	1/22/2020	Email to Dr. Lee AF psych eval	0.1
MDS	1/22/2020	Prepare email to IT/Tim Lawson re Topic papers for his review	0.3
MDS	1/22/2020	Meet with Richardson re status of case, MTC Moffet, Steele's disclosure of Mother's personal info, Boyd	1.5
MDS1/22/2020	1/22/2020	Analyze OR Kids Topics relied on by DOJ references as responsive to metadata issue	3.2
NR1	1/22/2020	Continue review + summary of voluminous DHS email + revise file memor+um	6.2
SR	1/22/2020	Review Eichner email re litigation hold was placed on 2/8/18 - but refusing to supply documentation	0.2
SR	1/22/2020	Finalize Reply to Gushwa/Melton Resp re attempt to obtain Burcart interview	1.5
MDS	1/23/2020	Prepare email to Jones re Burcart depo, phone records, ESI search, litigation hold	0.3
MDS	1/23/2020	Finalize email to DOJ re Evans emails, personnel files, trainings, metadata, ESI, DHS depositions	0.5
NR1	1/23/2020	Continue review + summary of voluminous DHS email	6.8
SR	1/23/2020	Prepare email to Jagelski/Olson re need to confer on completion of Dall depo, email issues	0.1
SR	1/23/2020	Prepare email to Jagelski/Olson re only a fraction of emails were produced, + seeking LR 7 conferral	0.2
SR	1/23/2020	Receive the Dall email header documents from Jagelski/Olson + plan resp re same	0.3
SR	1/23/2020	Exchange e-mail with Jagelski re deficient e-mail production to date	0.4
SR	1/23/2020	Review draft email to Jones re phone/email/devices/search of iCloud for Moffet/Burcart ESI	0.5
SR	1/23/2020	Research whether Gushwa/Burcart communications are waived as matter of fundamental fairness	1.5
HW	1/24/2020	Attend lit. team mtg re discovery, tasks, Burcart depo	0.6
MDS	1/24/2020	Evaluate google corresp. re Campbell's use of a 'Suite G for EOU.EDU' account	0.4
MDS	1/24/2020	Prepare + hold team mtg re HW, assignment of tasks, status of discovery	1.5
MDS	1/24/2020	Begin reviewing email production from DOJ re Evans' communications	1.5
NR1	1/24/2020	Team mtg re DHS email review + judicial survey status	0.5
NR1	1/24/2020	Continue review + summary of DHS email + revise file memor+um	4.2
SR	1/24/2020	Attend team mtg re upcoming depositions, documents discovery, motions	1
SR	1/24/2020	Finalize Reply to Gushwa/Melton Resp + Mot for leave to file re same	3.8
MDS	1/27/2020	Tel call (vm) from Richardson re Mother's representation	0.1
MDS	1/27/2020	Exchange email with Dr. Lee + AF re psych eval	0.5
MDS	1/27/2020	Receive email from Jones re Burcart phone records, devices search, EONI, litigation hold, Howe protocols	1.8
MDS	1/27/2020	Review + analyze all communications produced by DOJ from Evans custodial inbox	2
MDS	1/27/2020	Continue to review, analyze + highlight DHS case notes in prep for depositions	2.5
SR	1/27/2020	Receive resp from Jagelski, stating Dall has complied with the subpoena	0.1
SR	1/27/2020	Review Eichner's email to our 1/23 email re ESI + reiterating her refusal to supply the litigation hold	0.3
SR	1/27/2020	Review Burcart Resp to our 1/23 email re missing documents	0.3
SR	1/27/2020	Strategize Dr. Lee's psych eval of AF re concern for retraumatization issues	0.5
SR	1/27/2020	Review Evans/Turner rogs + outline Resp re same	4.5
MDS	1/28/2020	Consult with legal expert re joint + several liability for the alleged 1983 claims	0.2
MDS	1/28/2020	Review + analyze scope of limitations proposed by Burcart on ESI search	0.3
MDS	1/28/2020	Emails with counsel for EF re MTC Moffet, RFPs, etc.	0.4
MDS	1/28/2020	Confer with EONI atty re search of Campbell's subject headers	0.9
MDS	1/28/2020	Tel call with former juv ct. judge re DHS role in juv dependency case	1
MDS	1/28/2020	Prepare email to Jones re protocols/terms, extraction, limitations, search parameters, litigation hold	1.1
MDS	1/28/2020	Revise search protocols/terms re Burcart's devices, email, phone numbers, + search terms,	1.3
NR1	1/28/2020	Complete review/summary of DHS voluminous email produced on 1/3 + file memo (95pp)	5.9
SR	1/28/2020	Review + edit Attachment A to subpoena to EUO seeking Campbell's emails	0.1
SR	1/28/2020	Review status of suppl production of documents to defendants in resp to outstanding disc requests to AF	0.6
MDS	1/29/2020	Finalize ltr to Burcart's counsel re Howe protocols, finalize + submit email with attached protocols.	0.2
MDS	1/29/2020	Review Richardson's ltr to Steele challenging representations in his Decl re Mother	0.4
MDS	1/29/2020	Edit Reply to Moffet Resp re ltr from Richardson to Steele + supporting Decl	3.4

Lwyr	Date	Explanation	Hours
MDS	1/29/2020	Continue review of Evans emails, noting failure to notify court re DHS Prod # 29571, 29568 + 29558	3.6
SR	1/29/2020	Exchange e-mail with Smith re a mot to strike Doe defendants from the AC	0.2
SR	1/29/2020	Exchange add'l email with Smith re his req for a 10 day extension to review the 1/16 hearing transcript	0.3
SR	1/29/2020	Prepare first draft of Resp to DOJ's mot to strike Doe defendants	0.8
SR	1/29/2020	Research cont'd use of Doe defendants + prepare email to Smith re same	1
MDS	1/30/2020	Exchange email with Dr. Lee re AF psych eval	0.2
MDS	1/30/2020	Prepare subpoena to Burcart with special requests	0.3
MDS	1/30/2020	Finalize Reply re Moffet	0.5
MDS	1/30/2020	Emails + eventual conferral with Nathan Steele re filing of Reply	0.5
MDS	1/30/2020	Tel call with Zach Allen/Richardson's office re seal/redact Mother's Decl	0.7
MDS	1/30/2020	Prepare mot for Leave to File Reply to Moffet Resp + supporting Decl	0.8
MDS	1/30/2020	Discussion + emails with counsel for EF re Replies in Gushwa/Moffet mots, joinder, etc.	1
SR	1/30/2020	Exchange email with Smith re his mot to strike + DHS depositions	0.2
SR	1/30/2020	Exchange email with Steele re mot for leave to support Reply	0.2
SR	1/30/2020	Tel phone conf with Steele re his objection to the Reply, + prepare confirming email re same	0.2
SR	1/30/2020	LR 7 Tel conferral with Steele re same	0.2
SR	1/30/2020	Prepare mot for leave to file Reply to Moffet Resp + Decl in support	0.5
SR	1/30/2020	Prepare mot for Leave to Reply to Gushwa/Melton Resp; Exchange e-mail with J Pollino re same	1
SR	1/30/2020	Research constitutional right of family integrity re Resp to DHS rogs to AF re Gr+parents' role	3.6
MDS	1/31/2020	Tel call with Null advising he is now represented by PLF atty Tom Peachey	0.2
MDS	1/31/2020	Tel call with Peachey re production of documents re Father/Grandfather in Null's file	0.3
MDS	1/31/2020	Exchange email with EF's counsel's queries re production, send corresp	0.3
MDS	1/31/2020	Analyze Burcart Answer to AC + non 1983 state actor defense	0.5
MDS	1/31/2020	Analyze DOJ Answer to AC + affirmative QI + SOL defenses	0.5
MDS	1/31/2020	Exchange emails with EF counsel re transcripts of hearings, audio recordings, client documents, etc.	0.8
MDS	1/31/2020	Review + revise mot for leave to file Reply re Gushwa/Melton mot	1.2
MDS	1/31/2020	Prepare Notice of Withdrawal of ECF 114 + 115	1.6
SR	1/31/2020	Prepare Notice of withdrawal of our Reply re Moffet	0.1
SR	1/31/2020	Exchange follow-up email with Pollino re our consent to allow a sur-reply	0.3
SR	1/31/2020	Prepare email to Pollino re the mot for leave to Reply re his new RPC 1.6 position	0.4
SR	1/31/2020	Strategize DOJ + Burcart's affirmative defenses, lack of comparative fault defense	1
SR	2/1/2020	Prepare email to Jagelski re need for LR7 conferral on discovery issues	0.1
SR	2/1/2020	Strategize application of RPC 1.7 to Burcart's ability to advocate on behalf of both AF/EF re depo prep	0.3
SR	2/1/2020	Review draft email to Peachey re requests for documents in Null's file	0.3
MDS	2/2/2020	mtg w/ AF in advance of psych evaluation with Dr. Lee.	3
MDS	2/3/2020	Email to Tom Peachey, attaching court documents for review	0.2
MDS	2/3/2020	Consider potential CPS expert to review DHS CPS Assessment of Campbell's abuse	0.5
MDS	2/3/2020	Exchange emails with counsel re depo scheduling issues	0.5
MDS	2/3/2020	Tel call/email exchange with counsel for EF re status of interrogatories, RFPs, Null, Burcart depo	0.8
MDS	2/3/2020	Multiple tel calls/email exchanges with O'Keeffe re CHD Resp to subpoena	0.9
MDS	2/3/2020	conf with SR to discuss strategy discovery + Burcart depo	1.5
SR	2/3/2020	Review status of our contacts with CHD re communications b/t CHD + DHS + treatment records	0.3
SR	2/3/2020	Review email exchange b/t all counsel re scheduling depositions of state defendants + Burcart	0.4
MDS	2/4/2020	Exchange emails with counsel for parties re a proposed global depo schedule	0.7
MDS	2/4/2020	Follow up with O'Keefe re Cynthia Russell's communications relating to Campbell	0.7
MDS	2/4/2020	Review supplemental production from Burcart in prep for upcoming depo	1
MDS	2/4/2020	Identify + prepare the exhibits for use at Burcart's depo	3.8
SR	2/4/2020	Receive email from Jagelski re LR 7 conferral	0.1
SR	2/4/2020	Review state defendants' Notice of correction + re-filing of an Amended Answer	0.2
SR	2/4/2020	Strategize/prepare depo exhibits for use in Burcart's 2/17 depo	1.3

Lwyr	Date	Explanation	Hours
MDS	2/5/2020	Receive production of additional emails from DOJ, + begin to analyze re same	1
MDS	2/5/2020	Continue review of add'l production from Burcart prompted by the court order's	1.5
SR	2/5/2020	Review new ESI re Burcart's exercise schedule during her health crisis + plan use at depo	0.2
SR	2/5/2020	Review Eichner notice of inadvertently production from Burcart's Samsung device + revised production	0.5
SR	2/5/2020	Continue outline/review of juv. Ct transcripts for use at Burcart's depo	3.6
MDS	2/6/2020	Prepare email to Richardson re Moffet Resp to Mot to file Reply + Steele Decl	0.1
MDS	2/6/2020	Follow up with Dr. Lee re psych evaluation of AF	0.2
MDS	2/6/2020	Begin to analyze case notes missing from discovery identified by paralegal	0.2
MDS	2/6/2020	Continue attempts to negotiate a schedule of depositions	0.4
MDS	2/6/2020	Identify add'l DHS documents for use as exhibits to Burcart's depo	0.5
MDS	2/6/2020	Review Moffet's Resp to mot for Leave to Reply + supporting Decl by Steele	0.7
MDS	2/6/2020	Tel call with counsel for EF re status of case/approach to Burcart depo	1.2
SR	2/6/2020	Review EF's joinder in our MTCs re Gushwa + Moffet	0.1
SR	2/6/2020	Review exchange of email with Richardson re Steele's Declaration	0.2
SR	2/6/2020	Review email from Eichner, stating objections to our NOD + subpoena to Burcart	0.2
SR	2/6/2020	Review Richardson's email re the Steele Decl in support of Moffet's Resp to mot for leave to Reply	0.3
SR	2/6/2020	Tel call with Mitchell re approach to Burcart depo + coordination on discovery mots	0.4
SR	2/7/2020	Prepare email to O'Keefe, confirming points covered in the call	0.2
SR	2/7/2020	Tel call O'Keefe re Resp to our subpoena seeking ESI + Russell cell phone	0.3
SR	2/10/2020	Tel call with O'Keefe re COBI cell phone/e-mail production	0.2
SR	2/10/2020	Contact potential expert to assist in downloading Russell's cell phone data	0.2
SR	2/10/2020	Tel call with + email with Burford re Eastern OR University Resp to our Subpoena	0.2
SR	2/10/2020	Tel call/email with Chris Buford/EOU re search for Campbell's emails from his university email account	0.5
MDS	2/11/2020	Review + analyze headers from EOU subpoena production, evaluate for relevancy to Burcart depo.	0.8
SR	2/11/2020	Exchange email with Buford re application of confidentiality provision of the protective order	0.2
SR	2/11/2020	Exchange email with O'Keefe re use of HIPPA-compliant portal to transmit ESI	0.3
SR	2/11/2020	Receive email from Buford attaching spreadsheet with headers for Campbell's 5000+ emails	0.3
SR	2/11/2020	Exchange additional email with O'Keefe + CHD/IT re download/transmission of Russell's ESI	0.3
SR	2/12/2020	Review court order's granting our mot for leave to file Reply + email req for status conf	0.2
SR	2/12/2020	Tel call with O'Keefe re production of email/Russell cell phone	0.4
SR	2/12/2020	Exchange numerous emails with parties re oral argument on pending mots	0.5
SR	2/12/2020	Review + exchange email with all counsel re availability for conf with the court	0.5
SR	2/13/2020	Tel call with Smith re his contacts with Jagelski re our 14 extension request	0.1
SR	2/13/2020	Tel call with Mitchell re discovery Resps + Burcart's depo	0.2
SR	2/13/2020	Review emails from EF atty/Middleton + Pollino re their availability for the conf + the depo	0.2
SR	2/13/2020	Exchange email with Smith re his req to extend discovery, our req to extend Resp to his rogs	0.2
SR	2/13/2020	Receive email + zip file of ESI from CHD/O'Keefe	0.2
SR	2/13/2020	Prepare email compilation of counsel's availability for the status conf for the court's review	0.4
SR	2/13/2020	Review draft of EF's outline of questions/topics for Burcart depo	1.5
MDS	2/14/2020	Review email from DOJ re extending court's disc timetable	0.2
SR	2/14/2020	Prepare email to the court confirming the parties' availability	0.1
SR	2/14/2020	Exchange email with Jagelski re LR 7 conferral	0.2
SR	2/14/2020	Prepare email to Jones re my position on the 7 hour rule	0.2
SR	2/14/2020	Tel conf with Jagelski re discovery issues + potential avenue for settlement	0.2
SR	2/14/2020	Review email from Smith, attached Unopposed mot to extend discovery approved by Eichner/Jagelski	0.3
SR	2/14/2020	Review Burcart's Resp to our 4th RFP	0.3
SR	2/14/2020	Exchange email with Mitchell re Burcart + DHS' use of best interests standard	0.5
SR	2/14/2020	Prepare email to Jagelski, citing Georgetown Realty re his mention of PLF "related" claims tactic	0.8
SR	2/14/2020	Outline Burcart exhibits + prepare questions for depo	7.6
SR	2/15/2020	Prepare email to Smith seeking clarification of impact of defendants' proposed extension on the discovery	0.2

Lwyr	Date	Explanation	Hours
SR	2/15/2020	Review email from Jones' reflecting a lack of common understanding re Burcart's depo	0.2
SR	2/15/2020	Research caselaw re 1983 joint action tests in prep for Burcart's depo	2.8
SR	2/15/2020	Review Memo to File re history/content of Burcart emails involving DHS personnel + DOJ AAG Amy Hall	2.8
SR	2/15/2020	Continue preparation for Burcart depo on 2/28	3.5
SR	2/16/2020	Exchange email with Jones re her failure to produce Burcart's phone records, depo to be kept open	0.3
SR	2/17/2020	Review EF atty/Middleton email to Smith re questioning length of proposed extension	0.1
SR	2/17/2020	Travel to Medford to attend Burcart depo	5
SR	2/17/2020	Prepare + depose Burcart	10
SR	2/18/2020	Prepare draft of 1st Set of Interrogatories to DOJ re their Answer + Affirmative Defenses	3.6
SR	2/18/2020	Return travel to Portland	5
MDS	2/19/2020	Review case cited in support of 1983 joint + several liability of DHS workers/Burcart	0.2
MDS	2/20/2020	Tel call with Richardson re Mother's file + role of GRD atty Jared Boyd	0.5
MDS	2/20/2020	Exchange email with EF counsel re preparing for upcoming DHS depositions + hearing	1
MDS	2/20/2020	Discuss depo with legal team, coordinate Resp, additional SDTs, RFPs, etc.	1.6
SR	2/20/2020	Review additional emails between Evans + Burcart, which Burcart failed to produce	0.2
SR	2/20/2020	Edit email to Jones re insufficiencies in Burcart's phone records, failure to advise Burcart changed providers	0.4
MDS	2/21/2020	Review emails re Dall's interest in settlement	0.3
MDS	2/21/2020	Review + edit draft of Second RFP to State Defs	0.5
SR	2/21/2020	Receive email from Jagelski re Dall's participation in judicial settlement conf	0.1
SR	2/21/2020	Review email from Eichner re Burcart will 'join' in settlement discussions	0.1
SR	2/21/2020	Review email from Jagelski confirming lack of any excess or umbrella coverage for Dall	0.1
SR	2/21/2020	Prepare email to Jagelski seeking Dall's PLF Policy, plan contact with Breiling re same	0.3
SR	2/21/2020	Review a listing of the multiple emails that Burcart failed to produce her communications with Evans	0.6
SR	2/22/2020	Receive email from EF/Middleton re participating in settlement conf	0.1
SR	2/23/2020	Prepare email to GAL re status of discovery + Burcart's testimony, + advising re settlement possibility	0.2
MDS	2/24/2020	Review proposed email to Lindsay Hart based on new developments in potential settlement	0.3
MDS	2/24/2020	Review status of discovery from state defendants	0.5
MDS	2/24/2020	Edit AF's Second RFP to state defendants	0.5
MDS	2/24/2020	Review SDTs served by counsel for Burcart on her cellular phone providers in consequence of court's code	0.8
MDS	2/24/2020	Prepare email to DOJ re DHS depositions, remaining discovery items, state's motion to extend discovery	1.2
SR	2/24/2020	Receive email from Smith re state defs' 'tentative' participation in a settlement conf	0.1
SR	2/24/2020	Tel call with Middleton re settlement issues, outstanding discovery of state defendants + third parties	0.2
SR	2/24/2020	Edit draft email to Smith re personnel records, email, metadata, + request to depose DOJ AAG Hall	0.3
MDS	2/26/2020	Email Mother's counsel re Dall's request for judicial settlement conf	0.1
MDS	2/26/2020	Review + supplement exhibits re Evans/Turner depositions in light of Burcart testimony	4
SR	2/26/2020	Receive email from Buford/EOU re status of production of Campbell emails	0.1
SR	2/26/2020	Review EF email to Jones/Eichner re seeking available dates to continue Burcart's depo	0.1
SR	2/26/2020	Review Jones/Eichner email to the court seeking a settlement conf	0.2
SR	2/26/2020	Edit email to Jones re weak Resp to our 4th RFP re privilege log, joint defense agreement, ROR	1
SR	2/26/2020	Research Jones' claim that existence of joint defense agreements is protected/privileged from discovery	2
MDS	2/27/2020	Tel call with Father to discuss Dr. Lee evaluation	0.2
MDS	2/27/2020	Exchange email with parties re status conf with court to discuss settlement conf/discovery	0.4
MDS	2/27/2020	Continue to identify exhibits + prepare for depositions of Evans + Turner	5
NR1	2/27/2020	Review prior DHS testimony re SAFE + prepare memo to file re same	4.2
SR	2/27/2020	Review email from the court re status of a settlement conf, search for a settlement judge	0.1
SR	2/27/2020	Review email from Eichner re req parties to confer re settlement conf issues	0.1
SR	2/27/2020	Review email from the court setting a status conf for 2/28	0.1
SR	2/27/2020	Review Gushwa motion for Leave to file a sur Reply	0.1
SR	2/27/2020	Review exchange of email with EF atty re our prior tort claim notices	0.2
SR	2/27/2020	Review exchange of email by all parties re status conf with J Sullivan	0.2

Lwyr	Date	Explanation	Hours
SR	2/27/2020	Continue preparation of AF Resp to state defendants' 1st rogs	0.7
MDS	2/28/2020	Tel conf with EF atty in advance of status conf re depo prep, mots, position on abatement	0.8
MDS	2/28/2020	Prepare + attend status conf with the court re settlement conf, discovery, abatement	1
MDS	2/28/2020	Continue preparation for Evans depo	4
NR1	2/28/2020	Continue review + summary of prior DHS testimony re use of SAFE	6.4
SR	2/28/2020	Prepare email to Breiling, attaching draft rog Resps	0.2
SR	2/28/2020	Tel conf with EF atty in advance of status conf	0.2
SR	2/28/2020	Review Burcart subpoenas to EONI + US Cellular seeking phone records they previously 'overlooked'	0.3
SR	2/28/2020	Prepare/attend status conf with the court re settlement conf with J McShane + stay of discovery	0.5
MDS	2/29/2020	Continue to prepare for DHS depos	2.5
SR	2/29/2020	Finalize email to Jones re ongoing failure to produce privilege log, joint defense agreement + PLF ROR	0.4
SR	2/29/2020	Research bad faith caselaw re PLF's 'relating' claims brought against separate professional insureds	5.2
MDS	3/1/2020	Continue to prepare exhibits + topics for DHS depos	7.8
SR	3/1/2020	Exchange email with Jagelski re Dall's 2013-2014 PLF Coverage Plan	0.2
SR	3/1/2020	Review DHS case notes, provider notes + emails re preparation for depo of Turner in La Grande	4.8
MDS	3/2/2020	Travel to La Grande for DHS depos	5
MDS	3/2/2020	Continue to prepare for depos of Evans	12
SR	3/2/2020	Prepare consent to J Sullivan's Magistrate Judge jurisdiction	0.1
SR	3/2/2020	Email Jagelski re Dall's attendance at the 2015 Review Hearing is an 'occurrence' for purposes of coverage	0.1
SR	3/2/2020	Receive email from Eichner attaching share file link of Burcart's US Cellular records	0.3
MDS3/3/2020	3/3/2020	Prepare + depose Evans	10
SR	3/3/2020	Tel conf with Breiling re status of Evans testimony + settlement conf	0.3
SR	3/4/2020	Review exchange of email between parties re attendance at judicial settlement conf	0.2
SR	3/4/2020	Prepare + depose Turner	10
MDS	3/5/2020	Tel call with Richardson re case status, settlement status, the court's striking the 3/18 hearing	0.2
MDS	3/5/2020	Return travel to Portland	5
MDS	3/6/2020	Revise AF's Resps to DOJ's interrogatories	1
SR	3/6/2020	Exchange email to all parties re attendance/scheduling of settlement conf	0.3
SR	3/6/2020	Finalize AF's Resp to state defendants' Interrogatories	0.4
MDS	3/9/2020	Prepare follow up email to Brillhart re alternative approach to Russell data extraction	0.2
MDS	3/9/2020	Exchange email with Jagelski re setting JSC	0.3
MDS	3/9/2020	Tel call with O'Keeffe re strategy + defect in phone provided	0.3
MDS	3/9/2020	Exchange email + Tel call with Joel Billhart re Cellebrite extraction of Russell phone	0.5
SR	3/9/2020	Receive email + corresp from PLF attys Bill Earle/Gayle Thames re "Relating Claims" with Burcart/Dall	1.5
MDS	3/10/2020	Troubleshoot collection of data from Russell's CHD-issued cell phone	0.3
MDS	3/10/2020	Review status of completion re the global timeline of communications between Burcart + Campbell	0.5
MDS	3/10/2020	Begin review of Campbell emails produced by EOU + Burcart US cellular records	0.9
MDS	3/10/2020	Tel call with EF's counsel re related claims, wasting limits, Burcart's continued redactions, settlement conf	1
SR	3/10/2020	Exchange email with Middleton re issues raised in Earle's 3/9 ltr	0.2
SR	3/10/2020	Review investigator info re Burcart's redacted US Cellular records masked post-arrest calls with Campbell	0.4
SR	3/10/2020	Exchange email with Earle/Thames/Jagelski re extent of coverage, existence of Reservation of Rights	0.5
SR	3/10/2020	Analyze PLF v. Benfit cited by Earle re related claims + caselaw from other jurisdictions re same	6.2
MDS	3/11/2020	Prepare email to EF atty re Burcart's discovery	0.2
MDS	3/11/2020	Prepare Memo to file outlining Burcart's continued discovery failures	1.4
MDS	3/11/2020	Analyze Burcart US Cellular Records re redactions, gaps in text messages, missing month of EONI records	1.6
SR	3/11/2020	Review Middleton email to Smith re the delay in providing dates for settlement conf	0.1
SR	3/11/2020	Receive email from Smith, objecting to my req to reinstate discovery in light of delay	0.1
SR	3/11/2020	Receive email from Smith, stating J McShane is available on 4/22 for settlement conf	0.1
SR	3/11/2020	Prepare email to defendants re whether they would object to reinstating discovery	0.2
SR	3/11/2020	Strategize the defendants' continuing failure to provide a mutually acceptable date for the settlement conf	0.7

Lwyr	Date	Explanation	Hours
SR	3/11/2020	Research caselaw distinguishing related, interrelated, unrelated claims in professional malpractice coverage	4.6
SR	3/12/2020	Review + analyze Dall's Answer to our 1st Amend Comp	0.5
MDS	3/13/2020	Outline points for ltr to Judge Sullivan re discovery issues in advance of JSC.	2.3
SR	3/13/2020	Review J Hern+ez Order re COVID restrictions	0.2
MDS	3/14/2020	Tel call with EF re plan for settlement conf	0.3
MDS	3/16/2020	Prepare draft ltr to Judge Sullivan with identified exhibits to restore discovery	1.5
SR	3/16/2020	Exchange email with Middleton re coordinate to attend settlement conf remotely in light of COVID	0.2
HW	3/17/2020	Review Evans testimony re his knowledge of abuse in Campbell home for use in settlement ltr	2.2
MDS	3/17/2020	Exchange email with Brillhart + O'Keeffe re Russell phone extraction	0.3
SR	3/17/2020	Exchange email with our GAL confirming his availability on/about the week of 5/11	0.2
SR	3/17/2020	Review EF's atty email to Jones re gaps in production of Burcart's US Cellular records	0.2
SR	3/17/2020	Exchange email with Jagelski re need for Dall's 2015 PLF policy	0.2
SR	3/17/2020	Review email + corresp from Jones/Jagelski tendering "the remaining wasting limit" of Burcart's policy	1
HW	3/18/2020	Review the Turner transcript re her awareness of Campbell's abuse + knowledge of SAFE	3.2
MDS	3/18/2020	Tel call with O'Keefe cell phone extraction	0.3
SR	3/18/2020	Prepare email to Jagelski re my req for 2015 policy is a R26 request	0.1
SR	3/18/2020	Receive email from PLF/Earle + analyze Dall's attached Coverage Plans for 2015, 2018, 2019; RORs	3.5
MDS	3/19/2020	Prepare file memo re juv law standard that attys should not represent children with adverse interests	0.5
HW	3/20/2020	Continue review of Turner depo for evid of problems in the home + SAFE	1.2
MDS	3/20/2020	Tel call with EF atty re discovery status, PLF position, settlement approach	1
SR	3/21/2020	Outline + prepare a policy limits dem+ to Dall	6.8
HW	3/23/2020	Continue review of Turner depo for testimony requested by the attys	3.2
MDS	3/23/2020	Exchange email with EF atty re limits dem+ to Dall, approach to settlement conf	0.2
MDS	3/23/2020	Revise policy limits dem+	2.4
SR	3/23/2020	Review email from Jones/Eichner re the 5/11 timeframe	0.1
SR	3/23/2020	Prepare email to PLF/Earle req the ROR ltrs referenced in his 3/18 email	0.2
SR	3/23/2020	Exchange email with Breiling re dem+ + 5/11 settlement conf	0.2
MDS	3/24/2020	Exchange emails with EF atty counsel re settlement conf/strategy	0.4
MDS	3/24/2020	Revise ltr to Jagelski re dem+ + coverage issues	0.8
SR	3/24/2020	Prepare email to Jagelski re RORs are not privileged	0.1
SR	3/24/2020	Review Jagelski email re the PLF ROR ltrs - on condition of no waiver of atty/client privilege	0.2
SR	3/24/2020	Prepare email to Jagelski re the RORs are not privileged, R26 applies + there has been no privilege log	0.5
SR	3/24/2020	Research caselaw whether Reservations of Rights ltrs are discoverable under R26 or privileged	2.3
MDS	3/25/2020	Exchange emails with EF counsel re her conferral with Eichner re discovery + search of Burcart's devices	0.3
MDS	3/25/2020	Conferral with EOU re production of Campbell emails	0.4
MDS	3/25/2020	Revise draft policy limits dem+ + email to ET atty for review	1.1
SR	3/25/2020	Prepare email to our GAL, attaching limits dem+	0.2
SR	3/25/2020	Review email from re her call with Eichner re failure to produce the texts b/t Burcart + Campbell	0.2
HW	3/26/2020	Review EUO email subject headers for responsive hits re Campbell	4.2
MDS	3/26/2020	Prepare a list of the items for EOU to hold pending further instruction + email EUO custodian re same	0.5
MDS	3/26/2020	Revise ltr to Jagelski re terms of a settlement offer	1.5
SR	3/26/2020	Prepare email to GAL re the limits dem+	0.2
SR	3/26/2020	Create Addendum of key PLF policy provisions, + finalize the limits dem+ to Dall	3.3
SR	3/27/2020	Exchange email with Smith re 5/18 settlement conf with J McShane	0.1
SR	3/27/2020	Exchange email with Breiling re status of sending policy limits dem+	0.3
SR	3/27/2020	Prepare corresp to the court re delay in setting settlement conf + request to lift the stay	0.5
SR	3/27/2020	Prepare corresp to Jagelski/Jones re confirmation that both agree there is only one wasting policy limit	0.8
SR	3/28/2020	Review email from Middleton re issues with joint offer of a single wasting limit	0.5
MDS	4/1/2020	Prepare emails to Father + AF re current status	0.2
MDS	4/1/2020	Tel call with Dr. Lee, re status of evaluation, impressions	0.5

Lwyr	Date	Explanation	Hours
SR	4/1/2020	Receive corresp from Jagelski, declining to confirm Dall's agreement that only one limit applies	0.2
MDS	4/2/2020	Emails with EF's counsel re her conferral with Eichner re additional texts + phone records	0.4
MDS	4/2/2020	Tel call with AF to discuss his psych evaluation, status of case + settlement potential	0.8
SR	4/2/2020	Receive email Resp from the court re requesting defendants to respond	0.1
SR	4/2/2020	Prepare email to the court, requesting the court to reinstate discovery	0.2
SR	4/2/2020	Review email exchange with Middleton re her 4/1 call with Eichner re lack of USC CC phone records/texts	0.2
SR	4/2/2020	Prepare email to Middleton in resp to her email re the call with Eichner on 4/1	0.2
SR	4/2/2020	Review Eichner email + attached corresp to the court re settlement conf status + stay of discovery	0.2
SR	4/2/2020	Prepare email to Jagelski re the failure confirm Dall's agreement to the one limit	0.4
MDS	4/3/2020	Review ltr to Court from DOJ re objection to continuing with discovery + strategize same	0.5
SR	4/3/2020	Receive DOJ email + ltr from Smith to the court re settlement, stay of disc	0.2
SR	4/4/2020	Prepare Resp to DHS First RFP	0.5
MDS	4/5/2020	Revise ltr to the court re settlement conf + lift stay	1.2
SR	4/6/2020	Prepare email to Middleton, attaching the draft ltr to the court	0.1
SR	4/6/2020	Review Middleton's email to Eichner again seeking explanation for Burcart's ESI gaps	0.2
SR	4/6/2020	Review email from Middleton re EF's Resp to the joint/wasting limit offer	0.2
SR	4/6/2020	Receive email + corresp from Eichner to the court in resp to my 4/6 ltr	0.3
SR	4/7/2020	Exchange email with Breiling re verifying rog Resps	0.2
SR	4/8/2020	Receive email from GAL re signed interrogatories	0.1
SR	4/8/2020	Review Smith's corresp to the court re 'stay the course' on discovery stay	0.1
SR	4/8/2020	Receive email from the court declining to lift the discovery stay	0.1
SR	4/8/2020	Strategize Receive email from Jones re a 05/ date for a settlement conf	0.1
SR	4/8/2020	Review EF's corresp to the court re lifting the stay, requiring Burcart to comply with ESI discovery order	0.2
SR	4/8/2020	Exchange email with the court re the stay relieves Burcart from complying with prior ESI discovery order	0.2
SR	4/10/2020	Review multiple exchange of email re settlement conf logistics	0.2
SR	4/16/2020	Review exchange of email b/t the parties re their availability for a settlement conf	0.2
HW	4/17/2020	Attend lit team mtg	1
MDS	4/17/2020	Prepare + attend team mtg to review case status + assign tasks in prep for settlement conf	1.5
NR1	4/17/2020	Participate in team mtg re status of DHS email review	0.5
SR	4/17/2020	Attend team mtg to plan file review/preparation of settlement corresp to J McShane	1
MDS	4/20/2020	Participate in conf with court re mediation + logistics	0.5
MDS	4/20/2020	Tel call with Middleton re plan/approach to mediation + logistics with EF/AF remote attendance	0.5
MDS	4/20/2020	Tel call with client to discuss psych eval by Dr. Lee	0.5
MDS	4/20/2020	Strategize approach to mediation, settlement amount, findings + recommendations of Dr. Lee	1
MDS	4/20/2020	Tel call with Dr. Lee to discuss clinical impressions + harm to AF	1.5
SR	4/20/2020	Attend initial conf call with J McShane to discuss the case, settlement status + logistics	0.1
SR	4/20/2020	Prepare + attend Tel conf with J McShane, setting settlement conf for 5/13	0.5
MDS	4/24/2020	Strategize settlement + dem+ ltrs with co-counsel	1
SR	4/27/2020	Exchange email with Middleton re logistics of settlement conf + AF + EF participation	0.2
MDS	4/28/2020	Discuss approach to settlement + dem+ with counsel for EF	1
SR	4/28/2020	Revise draft corresp to Burcart/Dall re PLF joint/wasting limit offer	2.6
MDS	4/30/2020	Revise limits settlement dem+ to Jagelski	3.2
MDS	5/1/2020	Tel call with AF + Breiling re status of settlement conf	0.5
MDS	5/1/2020	Tel call with Father re status of case, settlement, + his participation	0.5
SR	5/1/2020	Exchange email with Breiling re ensure appearance/logistics/video for 5/13 settlement conf	0.2
SR	5/1/2020	Receive email from J McShane laying out his approach to the settlement conf	0.2
SR	5/1/2020	Tel call with AF + Breiling re expectations/handling/logistics of settlement conf	0.4
SR	5/1/2020	Edit draft corresp to J McShane re compliance with his 4/22 order	1.6
MDS	5/3/2020	Outline factual history for use in settlement ltr to Judge McShane for JSC	3.1
MDS	5/4/2020	Prepare + attend Zoom mtg with Breiling GAL + AF in prep for settlement conf	0.5

Lwyr	Date	Explanation	Hours
MDS	5/4/2020	Continue to prepare history of case + identify exhibits for Judge McShane	3
MDS	5/5/2020	Tel call with EF counsel in prep for settlement conf	0.5
MDS	5/5/2020	Revise argument in policy limits dem+ to Dall re there are two limits at issue	1.4
MDS	5/5/2020	Zoom conf with Breiling + AF re settlement conf, approach + logistics	1.7
MDS	5/5/2020	Continue to identify + simplify exhibits for settlement ltr	3.3
MDS	5/6/2020	Continue to identify additional exhibits + medical research for use in settlement conf	2.6
SR	5/6/2020	Prepare email to Smith/Chin outlining discovery issues + DHS witnesses	0.3
SR	5/6/2020	Prepare confidential settlement ltr/proposal to J McShane	6.8
MDS	5/7/2020	Continue to prepare for settlement conf	7
MDS	5/8/2020	Revise settlement corresp to Judge McShane + finalize the exhibits	4.2
MDS	5/11/2020	Prepare for remote settlement conf re confirm Zoom logistics/operability/invitees	1.2
MDS	5/12/2020	Multiple contacts with Father, AF + Breiling re settlement conf, expectations, logistics	1.5
MDS	5/13/2020	Participate in settlement conf w/Judge McShane, AF, Father, + Breiling	8
SR	5/13/2020	Prepare/attend settlement conf with J McShane	9
SR	5/14/2020	Strategize state defs disinterest in settlement + PLF single limit position; plan handling re same	1
SR	5/16/2020	Review email exchange with Peachey re the settlement conf	0.1
SR	5/16/2020	Prepare email to Smith/Chin re state defs' Request for DOJ Defense forms + request conferral re same	0.2
SR	5/16/2020	Research 1983 standard for award of punitive damages against Evans, Lemon + Turner	0.7
SR	5/18/2020	Prepare email to Jones/Eichner re lack of compliance with court's discovery order	0.2
SR	5/18/2020	Review Smith email wanting depositions of AF, EF, Father + Grandfather + mot to return DOJ-DHS staffings	0.4
MDS	5/19/2020	Emails with Tom Peachey re timing of Null production	0.3
MDS	5/20/2020	Tel call w/EF atty re approach to discovery conferral with DOJ	0.5
SR	5/20/2020	Tel call with Mitchell re resuming discovery with state defs, depositions of the clients	0.3
MDS	5/21/2020	Attend conferral with Smith re depositions of clients/family, QI + SOL defenses, discovery documents	1
SR	5/21/2020	Review Eichner email claiming Burcart has complied with the order, + US Cellular's texts	0.2
SR	5/21/2020	Prepare draft corresp to the court re case status, req to lift the stay, + need for Burcart's ESI	0.6
SR	5/21/2020	Prepare/attend conferral with Smith/Chin re outstanding discovery issues, depositions, qualified immunity	1.5
MDS	5/26/2020	Exchange emails with DOJ depo of AF + family	0.2
MDS	5/26/2020	Prepare confirming email to DOJ re it will argue QI + file mot to Return	0.5
SR	5/26/2020	Revise email to Smith/Chin confirming points discussed re QI defense	0.2
MDS	5/28/2020	Finalize conferral email to DOJ	0.3
MDS	5/28/2020	Tel call with Breiling re ongoing contacts with J McShane, AF/family depositions	0.5
HW	5/29/2020	Attend lit team mtg re identifying docs for use as exhibits to summary judgment motions	1
MDS	5/29/2020	Prepare for/attend team mtg re prep for discovery depositions + dispositive motions	1.5
NR1	5/29/2020	Attend the team mtg re review of Burcart testimony for use in upcoming motions	1
SR	5/29/2020	Attend team mtg re prep for depositions/order of deponents; approach to prepare for MSJs	0.9
SR	6/1/2020	Research caselaw re evolution of SCOTUS tests for QI re social workers	3.2
MDS	6/2/2020	Exchange email with Dr. Lee re AF psych eval	0.4
SR	6/2/2020	Exchange email with Smith re depositions of Lemon, AF/Father	0.2
MDS	6/3/2020	Emails + discussions with counsel for EF re depo logistics, experts, etc	0.5
SR	6/3/2020	Receive Resp email from Smith re same	0.1
SR	6/4/2020	Prepare email to Smith re Lemon depo workaround + plan to defend AF depo in person	0.2
SR	6/4/2020	Review email from Smith re we cannot defend AF's depo in person	0.2
SR	6/5/2020	Exchange emails with Smith re attempt to avoid disc mot re AF's depo	0.5
SR	6/5/2020	Begin research re who has burden to prove affirmative QI defense re prep for MSJs	1.5
SR	6/7/2020	Continue research of caselaw re who carries the QI burden of proof	2.6
MDS	6/8/2020	Analyze potential judicial ratification defense re Campbell's guardianship	0.7
SR	6/8/2020	Exchange add'l emails with Smith re his objection to our in person attendance at AF's depo	0.6
MDS	6/9/2020	Tel conf with Judge McShane + EF attys re settlement	0.2
MDS	6/9/2020	Tel call with EF atty in prep for the call with Judge McShane re PLF settlement status	0.5

Lwyr	Date	Explanation	Hours
SR	6/9/2020	Tel conf with J McShane/EF to relate the PLF's position on single policy limit	0.3
SR	6/9/2020	Prepare ltr to J Sullivan re partial settlement + DOJ's attempt to stall depositions in La Grande	0.7
MDS	6/10/2020	Revise ltr to Judge Sullivan re settlement status, discovery depo of Lemon	0.2
MDS6/10/2020	6/10/2020	Confirm acceptance of settlement with Breiling + client	0.4
SR	6/10/2020	Review email from Smith/Chin re discovery, personnel files, SAFE trainings re Lemon	0.3
MDS	6/11/2020	Identify DHS Brenda Leavitt as witness + email DOJ re Leavitt + Lemon depositions	1.5
SR	6/11/2020	Prepare email to J McShane re acceptance of settlement + follow up conf to resolve Burcart ESI issues	0.2
SR	6/11/2020	Prepare corresp to J Sullivan re partial settlement; need for court to resolve personal attendance issue	0.5
SR	6/11/2020	Analyze 'Nathan v. DHS' cited by Smith/Chin in resp to our rogs	0.5
SR	6/11/2020	Review state defs' Resp to our 1st rog + RFP re insufficient answers re basis of alleged QI	0.7
MDS	6/12/2020	Prepare questions/topics for DF + AF in prep for their depositions	1.5
MDS	6/12/2020	Begin identifying documents for use as exhibits + topic areas for Lemon depo	2.6
SR	6/12/2020	Exchange email with Smith re whether DOJ defend Amy Hall depo	0.2
SR	6/12/2020	Research caselaw re section 1983 judicial deception liability re Burcart/Hall conduct in dependency case	4.2
MDS	6/13/2020	Review Lemon personnel file rec'd from DOJ; send follow-up email DOJ re missing documents	1
MDS	6/13/2020	Prepare for + attend client mtg + depo prep session	3.5
MDS	6/13/2020	Continue to identify/prepare exhibits + questions for Lemon depo	4.2
SR	6/13/2020	Begin outline of statement of common material facts for use in our MSJ	4.8
MDS	6/14/2020	Identify documents in Lemon personnel file + SAFE materials for use in depo	3.2
SR	6/14/2020	Continue outline/preparation of statement of material facts	5.2
MDS	6/15/2020	Emails with opposing counsel re logistics for depo of Lemon	0.5
MDS	6/15/2020	Review key aspects of Evans/Turner to use with Lemon	1.4
MDS	6/15/2020	Finalize Lemon depo outline/exhibits	2
MDS	6/15/2020	Continue prep exhibits/questions for certifier Lemon re her use of SAFE re gr+parents + Campbell	2.8
SR	6/15/2020	Review J McShane's email re proposed dispute resolution mechanism re Burcart ESI	0.3
SR	6/15/2020	Prepare email to the court, seeking a ruling on the attendance at depo issue	1.2
SR	6/16/2020	Review email from Jones re the redline version of the PLF form of settlement agreement	0.1
SR	6/16/2020	Review Minute Order allowing AF counsel to appear in person at AF's depo	0.1
SR	6/16/2020	Receive email from DOJ paralegal citing Gov Brown's Executive Orders in support of Smith's objections	0.3
SR	6/16/2020	Receive email from Smith/Chin + state defs' 2nd RFP to AF	0.5
SR	6/16/2020	Review email from J McShane, attaching PLF proposed form of settlement agreement for review	0.6
SR	6/16/2020	Prepare/attend hearing with J Sullivan rejecting Smith's attempt to bar our attendance at AF depo	1
SR	6/16/2020	Analyze stock PLF settlement agreement re indemnity clauses + potential to benefit state defendants	2.5
SR	6/16/2020	Strategize depo questions for Lemon re her QI certification defense + duplicity with gr+parents	8
MDS	6/17/2020	Prepare/depose certifier Lemon	11
SR	6/17/2020	Exchange email with Jagelski confirming he does not represent GRD	0.2
SR	6/17/2020	Review email from Jones re her position on outstanding ESI discovery issues	0.3
SR	6/17/2020	Review ongoing Lemon depo + strategize points/issues raised by her answers	0.5
SR	6/17/2020	Prepare email to Smith/Chin re Chris Black/Marilyn Jones depositions + need for email /OR-Kids metadata	0.5
SR	6/17/2020	Prepare email to Jones (point-by-point) re outstanding Burcart ESI issues	0.5
MDS	6/18/2020	Review status of DHS discovery requests + Foundations training materials for use in RFP	2
MDS	6/19/2020	Contact Henry O'Keefe re depo of Russell + logistic re same	0.7
SR	6/19/2020	Prepare email to Jones to request a Tel conf on the discovery issue	0.1
SR	6/19/2020	Exchange email with Smith re his revised depo logistics	0.1
MDS	6/22/2020	Identify/prepare exhibits for DHS Wright/Leavitt depo	3.5
SR	6/22/2020	Prepare email to J McShane seeking assistance in resolving Burcart ESI issues	0.2
SR	6/22/2020	Exchange email with Jones, again seeking to confer by phone	0.3
SR	6/22/2020	Strategize questions/topics for Wright depo	0.3
MDS	6/23/2020	Prepare outline of questions/topics in pre for depo of Wright	6
SR	6/23/2020	Tel call with Mitchell re coordinate Wright + Leavitt depositions	0.2

Lwyr	Date	Explanation	Hours
MDS	6/24/2020	Prepare for/depose Tierra Simons fka Wright re founded CPS assessment re Campbell	10
SR	6/24/2020	Analyze revised form of PLF proposed settlement agreement sent by Jones/Jagelski	1
MDS	6/25/2020	Exchange email with Dr. Lee re AF psych consultation	0.2
MDS	6/25/2020	Review proposed settlement agreement + provide feedback to Jones/Jagelski	1
SR	6/25/2020	Prepare email to Mitchell re PLF's agreement	0.5
SR	6/25/2020	Prepare email to Jones re J McShane's 6/22 email + req Burcart to authorize disclosure of Gushwa interview	1
SR	6/25/2020	Research ORS 31.815 re preserve claims against state defs re covenant not to sue	2.2
HW	6/26/2020	Attend lit team mtg re plan for depos + preparation of mots	0.5
MDS	6/26/2020	Exchange emails with EF atty re preparation for DHS witness depos	0.2
MDS	6/26/2020	Prepare/attend team mtg re ESI data gaps, coordinate upcoming depos, add'l subpoenas, MSJs	1
NR1	6/26/2020	Attend team mtg re assignment + division of tasks re mots + depos	0.5
SR	6/26/2020	Receive email from J McShane re including GRD in the settlement	0.2
SR	6/26/2020	Email exchange with Smith re depos of Black + Graffunder	0.2
SR	6/26/2020	Exchange email with Smith/Chin re atty Courtney Angeli will co-defend Jones depo along with DOJ	0.4
SR	6/26/2020	Prepare email to J McShane re history of our dealings with GRD	0.5
MDS	6/27/2020	Review missing DHS email production + privilege claims; prepare corresp to DOJ re same	2.8
SR	6/27/2020	Prepare email to Smith/Chin re OR-Kids metadata, Father's CPS investig + mot to Return	0.4
SR	6/27/2020	Continue to prepare statement of material facts for the MSJs against Q1	5.8
SR	6/28/2020	Prepare email to Courtney Angeli re her representation of Marilyn Jones	0.1
MDS	6/29/2020	Prepare 3rd RFP re personnel files, CPS assessment, SAFE training materials, OR-Kids metadata, ESI, etc	2.6
MDS	6/29/2020	Identify depo exhibits for use in upcoming depos + consider use of RFAs to close ESI gaps	2.9
MDS	6/29/2020	Conduct comprehensive review of ESI data gaps + prepare 3rd RFP to state defs re same	3.7
SR	6/29/2020	Receive Jagelski's email to J McShane re participation in call to discuss including GRD in the settlement	0.1
SR	6/29/2020	Prepare email to Smith re reset of Black + Graffunder due to DOJ delay in producing ESI	0.2
NR1	6/30/2020	Review Burcart's Samsung device email for duplicates/match with DHS email; prepare Memo re same	4.2
SR	6/30/2020	Continue preparation of statement of material facts	6.4
MDS	7/1/2020	Identify exhibits for RFA + prepare RFA to state defs	5.8
SR	7/1/2020	Prepare email to Smith re the mot to return + depo issues	0.1
SR	7/1/2020	Receive email from DOJ + review NODs for AF, EF, + Father for 7/21 depos	0.2
SR	7/1/2020	Exchange email with Mitchell re consensus on AF/EF position vis-a-vis GRD release/indemnity issue	0.3
SR	7/1/2020	Revise RFAs to state defs	0.5
SR	7/1/2020	Tel conf with J McShane + parties re settlement + Burcart ESI	0.5
SR	7/1/2020	Prepare email to J McShane re recitals in the settlement agreement, indemnity, GRD, Burcart ESI	0.8
MDS	7/2/2020	Email Dr. Lee re AF psych eval	0.2
MDS	7/2/2020	Review depo timetable in light of DOJ scheduling issue + plan add'l subpoenas prior to disc deadline	0.5
MDS	7/2/2020	Contact Peachey re status of privilege review of Null file; Null's representation of Grandfather at depo	0.5
MDS	7/2/2020	Review our ability to meet dispositive mots deadline based on current pace of discovery	0.6
MDS	7/2/2020	Outline topics for subpoenas to Union County Juvenile Dept. + Union Co Jail re Campbell juv/jail records	0.6
MDS	7/2/2020	Continue preparation for Leavitt depo in collaboration with EF counsel	1.2
MDS	7/2/2020	Contact AF + Father re case status, PLF settlement, medical records	1.3
SR	7/2/2020	Review email from Jagelski re my proposed revisions + plan for Resp re same re Dall/GRD	0.1
SR	7/2/2020	Prepare email to Mitchell re status of call with Jagelski re revised settlement agreement	0.1
SR	7/2/2020	Prepare email to J McShane to advise re my call with Jagelski re the judge's compromise proposal	0.1
SR	7/2/2020	Tel call with J McShane re compromise proposal re release GRD for no indemnity provision	0.2
SR	7/2/2020	Tel conf with Smith re Cordero/Graffunder/Black depos	0.2
SR	7/2/2020	Tel conf with Jagelski re PLF defs' acceptance of AF's revised settlement agreement	0.2
SR	7/2/2020	Prepare confirming email to Smith re reset DHS deponents, mot to Return	0.2
SR	7/2/2020	Prepare email to Jones/Jagelski re GRD, reference to ORS 31.815	1
SR	7/2/2020	Continue to outline + prepare factual statement in support of MSJs re all QI defenses	6.3
MDS	7/3/2020	Tel call with Dr. Jeff Lee re AF psych exam, status, prognosis	1.2

Lwyr	Date	Explanation	Hours
MDS	7/3/2020	Finalize Attachments to the SDTs + records releases to meet discovery deadline	1.5
MDS	7/3/2020	Prepare for + attend phone conf with Judge McShane re Burcart ESI	1.5
SR	7/5/2020	Exchange email with Angeli re Smith's req to table DHS depositions until he can produce responsive ESI	0.3
SR	7/5/2020	Continue prep of statement of material facts for MSJs against QI defense	6.4
MDS	7/6/2020	Begin to review + analyze Burcart phone records	1
MDS	7/6/2020	Prepare exhibits + questions for depo of Leavitt	2.3
SR	7/6/2020	Prepare email to Smith, again requesting whether DOJ will defend the depo of Amy Hall	0.1
SR	7/6/2020	Receive email from Jones/Eichner, attaching Burcart's unredacted phone records	0.2
SR	7/6/2020	Strategize points + questions for Leavitt depo	0.6
MDS	7/7/2020	Follow up with Father re executing the settlement agreement	0.2
MDS	7/7/2020	Prepare + depose Brenda Leavitt	9
SR	7/7/2020	Receive email from Smith re disconnect with searching Marilyn Jones's email account	0.1
SR	7/7/2020	Prepare email to Smith re need to complete Turner's depo	0.1
SR	7/7/2020	Prepare email to team, attaching 'first cut' MSJ facts for review	0.1
SR	7/7/2020	Debrief key testimony from Leavitt's depo	0.3
SR	7/7/2020	Receive email from Jagelski + review the attached revised form of settlement agreement	0.3
SR	7/7/2020	Strategize Leavitt's answers to depo questions re Campbell's use of physical discipline	0.4
SR	7/7/2020	Exchange email with our GAL to review/approve the revised settlement agreement provisions	0.6
SR	7/7/2020	Continue preparation of material facts re MSJs	6.8
MDS	7/8/2020	Tel call with Jan Butts re status of review of Lemon depo	0.3
MDS	7/8/2020	Communicate with AF re status of case	0.3
MDS	7/8/2020	Finalize corresp re records requests to obtain documents responsive to DOJ's 2d RFP	0.4
SR	7/8/2020	Prepare email to Jagelski re form/timeliness of funding the settlement	0.1
SR	7/8/2020	Receive email from Peachey + attached materials from Null's file	0.4
SR	7/8/2020	Exchange email with Breiling confirming approval of the revised settlement agreement	0.4
MDS	7/9/2020	Tel call with Chasidy, paternal aunt, re Campbell, family, other placement options	1.1
MDS	7/9/2020	Research + analyze social work ethics + standards for use in Russell depo	1.5
SR	7/9/2020	Review email from Jones in Resp to my email to Jagelski re form/timeliness of payment	0.2
SR	7/9/2020	Review email from Smith re defense of Amy Hall, Marilyn Jones email, refusal to make Turner available	0.3
MDS	7/10/2020	Tel call AF with re case status + Mother	0.3
MDS	7/10/2020	Tel call with Null to discuss upcoming depo of Grandfather	0.5
MDS	7/10/2020	Follow up with O'Keeffe re Russell depo + logistics	0.5
MDS	7/10/2020	Prepare email to Butts re her review of Lemon depo, the cert file + SAFE materials	0.6
MDS	7/10/2020	Tel call with Richardson re status of representation of Mother	0.6
SR	7/10/2020	Review status of Butts' review of certification/SAFE issues	0.1
MDS	7/13/2020	Receive request from DOJ to subpoena DOJ directly for info re Amy Hall; prepare language re same	0.5
MDS	7/13/2020	Review + supplement statement of facts for MSJ on Qualified Immunity	2.7
MDS	7/14/2020	Review Richardson communication with PLF counsel for Boyd	0.2
MDS	7/14/2020	Review + revise initial draft of MSJ statement of material facts	3
SR	7/14/2020	Review email from Jones re payment of settlement proceeds	0.1
MDS	7/15/2020	Tel call with AF re case status + settlement issue	0.5
MDS	7/15/2020	Review DHS's 2d RFP to AF + prepare draft Resp	0.8
MDS	7/15/2020	Review status of discovery + prepare corresp to the court re same	1
MDS	7/15/2020	Review the different forms of PO in AF/EF cases re mot to determine privilege re DHS-DOJ staffings	1.8
SR	7/15/2020	Research FRE 502 caselaw re DOJ's waiver of staffings	1
MDS	7/16/2020	Tel call with Null re Grandfather's depo	0.4
MDS	7/16/2020	Outline facts/issues for use by EF in a mot to determine privilege re staffings	2.3
SR	7/16/2020	Revise AF's Resp to state defendants 2nd RFP	0.2
MDS	7/17/2020	Review email from Smith/Chin re discovery cut-off, Turner depo, expert discovery	0.2
MDS	7/17/2020	Prepare email to Smith re confer on limited extension, deadline for expert discovery, depositions	0.6

Lwyr	Date	Explanation	Hours
MDS	7/17/2020	Prepare for upcoming depositions.	2
MDS	7/17/2020	Identify exhibits for use with depo of Russell	4
SR	7/17/2020	Prepare corresp to the court re DOJ clawback of staffings, Turner depo, expert disclosures, MSJs, trial date	1
SR	7/18/2020	Review exhibits in prep for deposing CHD Russell	1
SR	7/18/2020	Review DHS CPS assessment records re prepare defense of Father's depo in La Grande	1.2
SR	7/18/2020	Revise MSJ re delib indifference caselaw + standards + prepare draft Argument section	6.7
MDS	7/19/2020	Travel to La Grande + meet with EF atty re plan for AF/EF depositions	6.5
SR	7/19/2020	Meet with Father + to prepare him for DOJ's depo	2
MDS	7/20/2020	Review Union Co Jail Resp to subpoena re Campbell call records + in-person visits	0.1
MDS	7/20/2020	Review PO Acknowledgement prepared by Butts	0.1
MDS	7/20/2020	Exchange email with DOJ atty Van Meter re our UC Juvenile Department subpoena	0.5
MDS	7/20/2020	Coordinate with counsel for EF preparation for depositions	1.5
SR	7/20/2020	Prepare email to Smith re need to move forward with Amy Hall depo	0.1
SR	7/20/2020	Debrief Father's depo with EF atty	0.6
SR	7/20/2020	Attend DOJ's depo of Father	6.5
MDS	7/21/2020	Analyze objections UC Juvenile Dept by DOJ atty Van Meter + plan Resp re same	0.8
MDS	7/21/2020	Meet with AF to prepare for depo	1.5
MDS	7/21/2020	Review DHS child welfare policies re sex abuse re prepare exhibit for Graffunder depo	1.7
MDS	7/21/2020	Attend DOJ's depo of EF	6
SR	7/21/2020	Exchange email with Pollino re withdraw Gushwa MTC in light of settlement	0.2
SR	7/21/2020	Review investigative current information on Amy Hall	0.2
SR	7/21/2020	Meet with AF to discuss depo process, explain our role, etc	0.5
SR	7/21/2020	Debrief depo of EF with Mitchell in prep for AF depo	1.9
SR	7/21/2020	Prepare + outline exhibits + questions for depo of Cynthia Russell	6.7
MDS	7/22/2020	Strategize with EF atty re questions/approach to Russell depo	1
MDS	7/22/2020	Defend state defendants' depo of AF	5.5
SR	7/22/2020	Review add'l CHD records re Campbell's family of origin (Gina Lee)	0.3
SR	7/22/2020	Review CHD Service Agreement with DHS re services provided to Campbell's mother (Gina Lee)	1.1
SR	7/22/2020	Continue review of CHD treatment hx + DHS case notes in prep for Russell	3.7
MDS	7/23/2020	Travel from La Grande to Portland	4.5
SR	7/23/2020	Review email from Smith re the parties' agreement to reset the depo of Grandfather	0.1
SR	7/23/2020	Return travel to Portland	5
MDS	7/24/2020	Email Van Meter re to confer re her objection + characterizations	0.1
MDS	7/24/2020	Evaluate Russell's testimony + prepare follow-up questions	0.6
MDS	7/24/2020	Prepare email to EF attys re topics for EF mot to determine privilege re staffings	0.9
MDS	7/24/2020	Assist in preparing questions/issues with the Russell deposition	1
SR	7/24/2020	Review definition of 'grooming' behavior utilized by DHS in prep for Russell	0.2
SR	7/24/2020	Debrief Russell depo with EF atty Mitchell	0.3
SR	7/24/2020	Review Mitchell's proposed questions for use at Russell depo	0.9
SR	7/24/2020	Final preparation for Russell depo	1.5
SR	7/24/2020	Depose Russell	7
SR	7/27/2020	Review Smith's email to Null re scheduling of Grandfather's depo	0.1
SR	7/27/2020	Exchange email with Smith re depositions of Grandfather + Amy Hall	0.1
SR	7/27/2020	Exchange email from Smith re need for DHS email in advance of upcoming depositions	0.2
SR	7/29/2020	Review state defendants' Resp to AF 3rd RFP	0.2
SR	7/30/2020	Prepare email to Smith re agree to extend the dispositive motions deadline to 9/30	0.1
SR	7/30/2020	Exchange email with Smith re extension, dispositive motions deadline in light of delayed email production	0.2
SR	7/30/2020	Prepare email to Breiling re depositions of AF, EF, Father + Russell	0.2
SR	7/30/2020	Tel call with Breiling to discuss/review the recent discovery + case status	0.5
SR	7/31/2020	Review Smith's Unopposed motion to extend + supporting Decl	0.1

Lwyr	Date	Explanation	Hours
SR	7/31/2020	Exchange email with Smith re clarifying the revised dispositive mots deadline	0.2
SR	7/31/2020	Confer with Mitchell re EF mot to determine privilege re DHS staffings	0.4
SR	8/3/2020	Receive email from Jagelski requesting that we not call any number on Burcart's unredacted records	0.1
MDS	8/4/2020	Review exchange of emails re Grandfather's depo	0.3
MDS	8/4/2020	Review requests for confidentiality of EF depo + prepare same for AF's depo	0.3
MDS	8/4/2020	Prepare email to DOJ re need to postpone depositions based on late production	0.4
MDS	8/4/2020	Begin identifying exhibits in preparation for DHS Marilyn Jones depo	3.6
SR	8/4/2020	Review exchange or email with Null + Smith re taking Grandfather's depo	0.2
SR	8/4/2020	Exchange email with Jagelski + EF atty Mitchell re finalization of settlement agreement	0.2
SR	8/4/2020	Exchange email with court re use of AF as the lead case to ensure that all parties receive notification	0.2
SR	8/4/2020	Review + analyze the state defendants' Resp to our RFA re authenticity of records	0.5
SR	8/4/2020	Receive email from Chin, + attached corresp/share file link, + review Amy Hall email communications	0.5
SR	8/4/2020	Receive email + corresp from Chin re share file link to Marilyn Jones + Cordero emails	0.6
SR	8/4/2020	Exchange email with Smith re DOJ's refusal to admit authenticity of medical records/police reports	3
MDS	8/5/2020	Email Chin re search terms + protocols, privilege log, Evans email in color	0.2
MDS	8/5/2020	Review PO Acknowledgment rec'd from Butts + tel conf	0.3
MDS	8/5/2020	Confirm Marilyn Jones depo with her private counsel	0.5
MDS	8/5/2020	Continue to identify for M Jones depo	1.6
MDS	8/5/2020	Identify exhibits for use in DOJ AAG Hall's depo	2.3
SR	8/5/2020	Exchange email with our GAL re execution of the settlement agreement	0.2
SR	8/5/2020	Review email from Mitchell + attached 'In re Premera' opinion by J Simon re privilege	0.4
SR	8/5/2020	Begin preparation of MSJ to dismiss DOJ's statute of limitations defense	3.5
MDS	8/6/2020	Review emails from Chin re search terms + applications + prior corresp in prep to confer	0.7
MDS	8/6/2020	Continue to revise + supplement MSJ QI re authenticate facts with supporting evidence in the record	2.5
SR	8/6/2020	Review Leavitt's description of how she amended/edited her OR-Kids CPS records	0.3
SR	8/6/2020	Review 'Jamison v McClendon' re questioning conf'd viability of qualified immunity defense	0.4
MDS	8/7/2020	Emails with EF atty re finalization of settlement agreement, depositions, status of the privilege mot	0.3
MDS	8/7/2020	Review/audit status of DHS production re identify data gaps	0.6
MDS	8/7/2020	Tel call with Butts re her review of Campbell's certification	2
MDS	8/7/2020	Continue to review + revise MSJ QI	2.3
SR	8/7/2020	Receive email from Jones, attaching settlement agreement signed by Burcart	0.1
MDS	8/10/2020	Prepare email to M Jones' counsel re depo exhibits + logistics for remote depo	0.6
MDS	8/10/2020	Review EF mot to Determine Privilege + accompanying exhibits	0.8
MDS	8/10/2020	Prepare email to DOJ re missing emails, search terms/methodology, custodians, privilege log	2
SR	8/10/2020	Prepare email to Smith, again seeking dates for Amy Hall depo	0.1
MDS	8/11/2020	Tel call with Smith re DHS depositions	0.5
MDS	8/11/2020	Review AF psych testing materials rec'd from Dr. Lee	0.7
SR	8/11/2020	Tel call with Smith re status of state defendants' Resp	0.1
SR	8/11/2020	Exchange email with Breiling re execution of the settlement agreement/conservatorship	0.2
SR	8/11/2020	Prepare email to Smith/Chin re need their Resp to outstanding discovery issues	0.3
MDS	8/12/2020	Continue to identify + select depo exhibits for M Jones	1
MDS	8/13/2020	Exchange email with Null re his representation of Grandfather at DOJ depo	0.2
MDS	8/13/2020	Begin review of DHS email production re Black, Graffunder, Fassett	3.4
SR	8/13/2020	Prepare settlement agreement signed by Breiling for transmission to Jones/Jagelski	0.1
SR	8/13/2020	Receive email from Smith re depositions of remaining DHS worker + Grandfather	0.1
SR	8/13/2020	Exchange email with Null re status of DOJ's confirmation of Grandfather depo	0.2
SR	8/13/2020	Review Oregon Foster Children Bill of Rights for use in the MSJ re QI	0.5
MDS	8/14/2020	Review production in advance of Jones depo, forward to EF + discuss failure to produce to her.	0.8
MDS	8/14/2020	Review MSJ QI re authenticate + relate facts with supporting documents + depo excerpts	2.7
MDS	8/15/2020	Finalize exhibits for Jones depo	2.1

Lwyr	Date	Explanation	Hours
MDS8/15/2020	8/15/2020	Begin to identify + select documents for use at depo of Graffunder	2.6
SR	8/15/2020	Revise MSJ re SOL re argument on state law tolling/accrual issues	2.7
SR	8/15/2020	Research Oregon caselaw re DOJ's reliance on ORS 12.160 to bar AF's claims	4.6
SR	8/16/2020	Revise MSJ SOL re argument 1983 claims are not time barred	2.5
SR	8/16/2020	Research caselaw re accrual of section 1983 claims re MSJ SOL	3.8
MDS	8/17/2020	Emails with Glenn Null re discussions in advance of witness depo	0.3
MDS	8/17/2020	Prepare depo outline for Jones	2
SR	8/17/2020	Exchange emails with Smith Hall depo, confirmation of Grandfather depo	0.4
MDS	8/18/2020	Prepare + depose Marilyn Jones	9.5
SR	8/18/2020	Review + edit MSJ SOL	1
MDS	8/19/2020	Emails with DOJ counsel re depo of DHS witness Jennifer Graffunder	0.2
MDS	8/19/2020	Exchange emails with EF attys re DOJ Resp to the Privilege mot	0.6
MDS	8/19/2020	Tel call with Glenn Null re Grandfather's depo	1.1
SR	8/19/2020	Review email from Mitchell re state defs' Resp to EF mot to determine Privilege	0.1
SR	8/19/2020	Prepare email to Mitchell re the MDTP	0.1
SR	8/19/2020	Prepare email to Smith seeking Child Welfare policies referenced by Hall in her Decl	0.1
SR	8/19/2020	Review + analyze state defs' Resp to MTDP + supporting Decl of DOJ AAG Hall	0.5
SR	8/19/2020	Attend tel call with Null re prep for Grandfather + recollections of the juv dependency mots practice	1
MDS	8/20/2020	Research caselaw re whether notes of testifying expert are discoverable	2
MDS	8/20/2020	Identify + select exhibits for Graffunder depo	3.6
SR	8/20/2020	Review Jagelski's email to the court requesting Burcart/Dall dismissal with prejudice	0.1
SR	8/20/2020	Prepare email to the court in resp to Jagelski's req for dismissal w/prejudice	0.2
SR	8/20/2020	Exchange email with Smith re our ability to use SAFE materials produced in JM v. Major	0.2
SR	8/20/2020	Strategize points for CPS Graffunder depo in light of DOJ denial the abuse occurred	0.3
SR	8/20/2020	Strategize potential issues re Grandfather's depo	0.6
SR	8/20/2020	Research caselaw bearing on court's discretion to enter a dismissal w/prejudice	1
SR	8/20/2020	Prepare draft Second Amend Compl re new allegations, deleting claims for relief against Burcart/Dall	3.2
MDS	8/21/2020	Review M. Jones exhibits; prepare list of exhibits to destroy pursuant to PO + provide to all counsel	0.3
MDS	8/21/2020	Review corresp from DOJ refusing to provide exhibits to Graffunder in advance of ZOOM depo	0.4
MDS	8/21/2020	Begin to identify + request exhibits for depo of Billy Cordero	2.3
MDS	8/21/2020	Review + identify exhibits for Jennifer Graffunder	3
MDS	8/21/2020	Attend depo of Grandfather	3.2
SR	8/21/2020	Prepare email to Schneider re use of SAFE materials with Cordero, need for Lemon SAFE trainings	0.1
SR	8/21/2020	Tel call (vm) to Jagelski re his authority for a dismissal with prejudice at this time	0.1
SR	8/21/2020	Prepare followup email to Jagelski re same	0.1
SR	8/21/2020	Review Jagelski's email to the court, withdrawing the request for dismissal of BurcartDall at this time	0.1
SR	8/21/2020	Prepare email to our juv law expert re questions for Hall's depo	0.1
SR	8/21/2020	Review Grandfather's testimony	0.3
SR	8/21/2020	Exchange email with Jagelski re mot to approve settlement, SAC, req for dismissal w/prejudice	0.5
SR	8/22/2020	Prepare email to Breiling re executed settlement agreement	0.1
SR	8/22/2020	Outline + prepare mot to Approve Reasonableness of Settlement with Dall/Burcart	2.5
SR	8/23/2020	Prepare Declaration in support of MTA settlement	2.3
MDS	8/24/2020	Revise draft mot to Approve + supporting Decl	1
MDS	8/24/2020	Revise MSJ re SOL	1.8
MDS	8/24/2020	Prepare for depo of Jennifer Graffunder	4
NR1	8/24/2020	Review DHS Title IV-E certification + abuse investigation; prepare Memo re same for Cordero depo	2.2
SR	8/24/2020	Review Jones' corresp reasserting dismissal w/prejudice, refusal to allow Plfs to deposit settlement check	0.1
SR	8/24/2020	Exchange email with Smith re Cordero depo	0.2
SR	8/24/2020	Prepare email to Mitchell re draft of MTA for EF review	0.2
SR	8/24/2020	Prepare email to Breiling re review of draft MTA + his supporting Decl	0.2

Lwyr	Date	Explanation	Hours
SR	8/24/2020	Prepare email to Jones in Resp to the change in position + refusal	0.3
SR	8/24/2020	Prepare Decl for Breiling's review re mot to approve	0.4
SR	8/24/2020	Continue draft mot to Approve + Decl	4.9
MDS	8/25/2020	Prepare for + depose CPS Supervisor Graffunder	9.2
NR1	8/25/2020	Review Title IV-E eligibility + reimbursement provisions re DHS + revise file memo for use with Cordero	3.1
SR	8/25/2020	Strategize contact with Union County DA Cannily who prosecuted Campbell	0.2
SR	8/25/2020	Exchange email with Smith re Cordero + Hall depos + discovery extension	0.2
SR	8/25/2020	Exchange email with Smith re Cordero + Hall logistics	0.3
SR	8/25/2020	Finalize NOD for Cordero depo + NOD for Hall depo	0.4
MDS	8/26/2020	Prepare email to Union County DA Kelsie McDaniel re investigative notes re Campbell prosecution	0.5
NR1	8/26/2020	Locate + review federal CFSRs re Title IV-E Eligibility Review re DHS, revise Memo to file re Cordero	2.3
MDS	8/27/2020	Tel call with Union County DA/McKenzie re investig. reports from Gushwa, MDT, DHS	0.7
MDS	8/27/2020	Prepare ltr to the court re outstanding discovery issues, etc.	1.2
NR1	8/27/2020	Review AFCARS + revise Memo to file re the Cordero depo	6.1
SR	8/27/2020	Receive email from Breiling re his Declaration	0.1
SR	8/27/2020	Review exchange of email Mitchell + Smith re Cordero depo logistics	0.2
SR	8/27/2020	Prepare draft of Breiling Decl in support of MTAS for Breiling's review	0.4
SR	8/27/2020	Strategize the conferral with McKenzie re statements provided to the DA by Campbell's defense team	0.6
SR	8/27/2020	Revise ltr to the court re discovery, DOJ obj to Juv Dept subpoena + refusal to complete Turner depo	1
MDS	8/28/2020	Exchange email with DA McKenzie re Campbell investigative reports	0.3
MDS	8/28/2020	Review Campbell defense team's investigatory reports provided to Union Co DA	1.4
MDS	8/28/2020	Identify additional exhibits for use with the MSJ QI	4
NR1	8/28/2020	Continue preparation of Memo re Title IV-E Eligibility Review, AFCARS, CFSRs re depo of Cordero	5.9
SR	8/28/2020	Prepare email to the court re the mot to approve + propose a limited extension to finish discovery	0.1
SR	8/28/2020	Prepare email to Smith/Chin re outstanding discovery items + issues	0.3
SR	8/28/2020	Finalize mot to Approve Settlement + supporting Decl + exhibits	1
MDS	8/29/2020	Exchange emails with DOJ re NOD for Billy Cordero	0.2
MDS	8/31/2020	Analyze DOJ position that expert disclosures should only occur after dispositive mots	0.2
MDS	8/31/2020	Revise Unopposed Mot to Extend Discovery Cut-off + supporting Decl	0.5
MDS	8/31/2020	Emails with EF counsel + DOJ re schedule + conferral, participate in conferral	1.3
MDS	8/31/2020	Identify key Evans testimony to support MSJ re QI	1.7
MDS	8/31/2020	Revise ltr to court re Discovery, identify exhibits	2.3
MDS8/15/2020	8/31/2020	Research caselaw re usefulness/importance of expert testimony in MSJs re QI	0.7
NR1	8/31/2020	Continue file Memo re review of CFSR, Title IV-E Eligibility Review, AFCARS	6.4
SR	8/31/2020	Prepare email to Smith/Chin enclosing draft mot + 12/1 for review	0.1
SR	8/31/2020	Tel call with Smith/Chin re discovery issues	0.2
SR	8/31/2020	Prepare draft unopposed mot to extend discovery + supporting Decl	0.6
SR	8/31/2020	Finalize corresp to the court re current discovery status/issues	0.6
MDS	9/1/2020	Identify key aspects of Lemon testimony to use in supporting MSJ re QI	3.2
NR1	9/1/2020	Complete file Memo re CFSR, Title IV-E Eligibility Review, AFCARS for depo of Cordero	4.2
SR	9/1/2020	Prepare email to Smith re clarification of Lemon's SAFE trainings	0.2
MDS	9/2/2020	Review email from Smith re SAFE trainings	0.3
MDS	9/2/2020	Review + analyze OR Sup Ct Op in 'Sherman v. State' re MSJ SOL + revival of VPA claims	0.8
MDS	9/2/2020	Review file memo re Statewide Assessments + CFSRs + outline questions for Cordero	1.5
MDS	9/2/2020	Review DHS written juv court reports re evidence that Hall + Evans kept allegations of abuse from court	1.6
MDS	9/2/2020	Continue to identify Cordero exhibits for 9/4 depo	3
SR	9/2/2020	Review DOJ AAG Van Meter corresp to the court objecting to our request for Campbell's juv arrest hx	0.2
SR	9/2/2020	Exchange email with Smith re SAFE trainings, Hall depo, need for Chin to participate in email search terms	0.3
SR	9/2/2020	Review Smith's corresp to the court re Turner + claim that expert disclosures are unnecessary	0.3
SR	9/2/2020	Research whether the trial court is required to certify an interlocutory appeal + revise file Memo re same	1.5

Lwyr	Date	Explanation	Hours
SR	9/2/2020	Research caselaw re interlocutory appeal/collateral source re potential appeal of QI rulings; prepare Memo	5.8
HW	9/3/2020	Attend team mtg re depo testimony necessary for use as exhibits to mots	0.6
MDS	9/3/2020	Email Union County DA with request for follow up conversation re investigatory records	0.1
MDS	9/3/2020	Hold team mtg to review depositions, exhibits, mots to meet fact discovery completion deadline	0.5
MDS	9/3/2020	Read DOJ corresp re Campbell's juv hx; outline language for Attachments to SDTs Union/Umatilla Juv Depts	1.5
MDS	9/3/2020	Finalize Cordero exhibits + prepare depo questions	5.2
NR1	9/3/2020	Attend team mtg re topics + issues for Cordero based on Title IV-E materials	0.5
SR	9/3/2020	Prepare email to Pollino confirming points discussed	0.1
SR	9/3/2020	Tel call with Pollino re a Gushwa depo	0.2
SR	9/3/2020	Exchange email with DOJ re confirming Hall's depo	0.2
SR	9/3/2020	Team mtg re discovery status, status of MSJs, Cordero depo, + approach to Pollino	0.5
MDS	9/4/2020	Prepare + depose Billy Cordero	10
SR	9/4/2020	Receive email from the court to set a status conf	0.1
SR	9/4/2020	Evaluate Cordero testimony for use in MSJ QI	0.3
SR	9/4/2020	Receive email + corresp from Chin re review materials re Foundations Training, Certification, SAFE	1
MDS	9/8/2020	Review DHS Foster Care Orientation booklet, OR-Kids trainings + AS file	1.5
MDS	9/8/2020	Begin review of new DHS production	4
SR	9/8/2020	Exchange email with Pollino + Mitchell re provisional depo of Gushwa	0.2
MDS	9/9/2020	Exchange email with Butts re review of Turner + Evans depo testimony	0.3
MDS	9/9/2020	Exchange emails with DA McDaniel re Melton's interview of Burcart	0.4
MDS	9/9/2020	Emails with DOJ + parties re conf with the court	0.5
MDS	9/9/2020	Tel call with EF atty re prepare for Cordero depo + related issues	0.5
MDS	9/9/2020	Tel call with investigator re interview with Frank Humber + DA McDaniel re MSJ QI	0.5
MDS	9/9/2020	Tel call with juv law expert re prepare for depo of Amy Hall	0.5
MDS	9/9/2020	Review Union County Juv Dept production re Campbell juv hx + consider withdrawal of subpoena	0.6
MDS	9/9/2020	Begin preparing exhibits for depo of Amy Hall	2.5
MDS	9/10/2020	Interview DA McDaniel + prepare a draft Declaration for her review	1.2
MDS	9/10/2020	Continue to identify, review + revise exhibits for Amy Hall	3
MDS	9/11/2020	Emails with DOJ counsel Chin re logistics of Amy Hall depo + exhibits	0.3
MDS	9/11/2020	Prepare draft ltr to Ken Crowley re withdrawal of UC Juv Dept subpoena	0.3
MDS	9/11/2020	Revise NOD to Hall to include the policies + protocol referenced in her Declaration opposing EF MTP	0.4
MDS	9/11/2020	Research ORS 419B.337/349 re juv ct's inability to order specific placement	0.7
SR	9/11/2020	Email to Smith, again seeking the Child Welfare policies cited by Hall in her Decl	0.1
SR	9/11/2020	Strategize further communications with McDaniel re materials in the DA's file on Campbell	0.2
MDS	9/12/2020	mtg with expert Lynn Travis in advance of Amy Hall depo.	3.2
SR	9/12/2020	Review exhibits in preparation for depo of DOJ Amy Hall	2.5
SR	9/13/2020	Review email from consulting expert + attachment re listing points/topics for Hall depo	0.7
MDS	9/14/2020	Prepare + attend discovery hearing re depositions of Turner/Lemon, Burcart/Dall dismissal, MSJ issues	2
MDS	9/14/2020	Assist in preparing questions/issues for Amy Hall depo	2.5
SR	9/14/2020	Prepare/attend conf with the court re discovery issues, Burcart/Dall dismissal, Turner/Lemon, MSJ issues	2.4
SR	9/14/2020	Complete depo prep + outline for Hall's depo	5
MDS	9/15/2020	Provide questions + input re Hall representation of DHS in the dependency proceeding	0.6
SR	9/15/2020	Exchange email with Pollino re waiving Gushwa depo	0.1
SR	9/15/2020	Prepare email to the court re parties have resolved Gushwa MTC + declare it moot	0.1
SR	9/15/2020	Tel call with EF atty re Hall's testimony	0.3
SR	9/15/2020	Prepare + depose former DOJ AAG Hall	7.5
MDS	9/17/2020	Prepare requests for La Grande PD re Campbell juvenile citation/arrest records	0.5
MDS	9/17/2020	Prepare + attend tel conf with Butts re Evans/Turner depositions, certification, SAFE, standards	3.4
SR	9/17/2020	Prepare email to La Grande Police Dept. re our request for records on Derric Campbell	0.2
SR	9/17/2020	Attend tel conf with Butts re Turner's lack of supervision, SAFE methodology, Campbell's bedsharing	1.2

Lwyr	Date	Explanation	Hours
MDS	9/18/2020	Confirm Susan Lemon depo with DOJ	0.1
MDS	9/18/2020	Review email from Butts re literature re risks of harm associated with sexual abuse	0.2
MDS	9/18/2020	Begin review of additional DHS discovery re Home Study trainings, Human Resources/personnel files	0.4
SR	9/18/2020	Receive email from La Grande police re referral of our req to Chief Bell	0.1
SR	9/18/2020	Tel call with Chief Bell re production of Campbell's juv-related police report	0.2
MDS	9/21/2020	Request DOJ to make Cordero available in advance of Lemon	0.1
MDS	9/21/2020	Identify + prepare exhibits for continued depo of Lemon	4.6
SR	9/21/2020	Prepare email to La Grande Police, requesting to receive the report	0.1
SR	9/21/2020	Exchange email with Jones re her insistence that we not deposit the settlement check	0.2
MDS	9/22/2020	Tel call with Null re interview with Grandfather in advance of MSJs	0.5
MDS	9/22/2020	Interview former foster father Frank Humber re AF/EF in his home + his Foundations training/experience	0.6
MDS	9/22/2020	Prepare for continued depo of Lemon	4
SR	9/22/2020	Exchange email with La Grande, confirming receipt of Campbell's juvenile police report	0.2
SR	9/22/2020	Exchange email with Smith again seeking to complete Turner's depo	0.2
SR	9/22/2020	Evaluate the contact with former foster parent Mr. Humber + consider his Declaration in support of MSJ QI	0.2
SR	9/22/2020	Strategize points + questions for depo of certifier Lemon	0.8
MDS	9/23/2020	Depose Lemon	6.2
SR	9/23/2020	Exchange email with re Turner's availability for cont'd depo on 10/2	0.2
MDS	9/24/2020	Email to Richardson re Mother requesting a tel conf	0.1
MDS	9/24/2020	Prepare Declaration for Terri Humber in support of MSJ re QI	0.5
MDS	9/24/2020	Tel call w/Mrs. Humber re AF/EF, use of discipline, sleeping arrangements, DHS Foundations training	1.1
SR	9/24/2020	Exchange email with Smith re making Turner available as ordered by the court	0.2
SR	9/28/2020	Review J McShane's Order approving the settlement on behalf of AF	0.1
SR	9/28/2020	Prepare email to Breiling re court approval of the settlement	0.1
MDS	9/29/2020	Follow up with EF atty with proposed exhibits	0.5
MDS	9/29/2020	Review OR-Kids Home Provider file of Campbell produced by DOJ + prepare email to DOJ re same	0.6
MDS	9/29/2020	Provide feedback + assistance in Second Amended Complaint.	0.7
MDS	9/29/2020	Tel call w/EF atty re strategize questions for Turner re Lemon's concealment of her knowledge of concerns	1
SR	9/29/2020	Receive email from Smith objecting to amended pleading to dismiss Burcart/Dall - claiming comp fault	0.1
SR	9/29/2020	Prepare email to Smith re circulation of the SAC	0.1
SR	9/29/2020	Prepare email to parties seeking consent to mot for leave to file the SAC	0.2
SR	9/29/2020	Receive email from Jagelski re dismissal of Burcart/Dall	1
SR	9/29/2020	Prepare draft Sec Amend Compl to comport with the settlement	1.2
SR	9/30/2020	Tel conf with Jagelski re the SAC	0.1
SR	9/30/2020	Receive email from Jagelski re his intent to move for dismissal with prejudice	0.1
SR	9/30/2020	Prepare email to Jagelski, attaching proposed SAC	0.1
SR	9/30/2020	Review Burcart/Dall Joint mot for Judgment of Dismissal w/Prejudice	0.4
SR	9/30/2020	Finalize AF's mot for Leave to File SAC + supporting Decl	0.5
MDS	10/1/2020	Tel call with EF atty re approach to Turner depo	1
MDS	10/1/2020	Identify key depo testimony of Turner for use in MSJ QI	1.7
MDS	10/1/2020	Prepare for + attend hearing re mot to determine privilege, other discovery + settlement issues.	2
SR	10/1/2020	Prepare email to Mitchell w/questions/topic areas for Turner	0.1
SR	10/1/2020	Tel call with EF atty in advance of EF's mot to Determine Privilege re DOJ-DHS staffings	0.3
SR	10/1/2020	Review court's Minute Order granting EF's mot + plan add'l discovery re same	0.3
SR	10/1/2020	Review email from EF atty Mitchell + outline of depo questions for Turner's cont'd depo	0.4
SR	10/1/2020	Prepare questions for Turner cont'd depo	0.8
SR	10/1/2020	Attend oral argument on EF's mot to Determine Privilege	1
MDS	10/2/2020	Continue to revise + supplement the MSJ re QI	1.5
MDS	10/2/2020	Assist in identifying issues, documents + questions for Turner cont'd depo	1.6
SR	10/2/2020	Tel call with Mitchell in prep for Turner depo	0.3

Lwyr	Date	Explanation	Hours
SR	10/2/2020	Strategize Turner's testimony re concealment re MSJ QI	0.5
SR	10/2/2020	Prepare email to the court re need for rulings on Smith's objections during Turner's cont'd depo	0.5
MDS	10/5/2020	Continue to revise MSJ re QI with new Turner testimony	2.3
SR	10/5/2020	Prepare email to Smith re approach the court to rule on instructions to Turner to not to answer questions	0.2
SR	10/5/2020	Exchange email with Breiling re settlement + conservatorship issues	0.5
MDS	10/6/2020	Review Opinion + Order on mot to determine privilege	0.3
MDS	10/6/2020	Communicate with EF atty re Turner transcript + MSJ re QI	0.5
MDS	10/6/2020	Revise ltr to the court re cont'd depo of Turner + OR-Kids production	0.8
MDS	10/6/2020	Continue to review + revise QI mot, revise pages from Exhibit tab103	4
SR	10/6/2020	Review court's Minute Order setting a 10/9 status conf	0.1
SR	10/6/2020	Prepare email to Mitchell, attaching proposed corresp to the court for EF's review	0.1
SR	10/6/2020	Review court's order/opinion that DOJ waived privilege to the DOJ-DHS staffings	0.5
SR	10/6/2020	Prepare ltr to Judge Sullivan re the R16 status conf + discuss with EF atty re same	1.5
MDS	10/7/2020	Additional revisions to court submission re status conf	0.4
MDS	10/7/2020	Continue to revise MSJ re QI	3
SR	10/8/2020	Prepare email to court withdrawing OR-Kids electronic file prod request based on Smith's representation	0.1
SR	10/8/2020	Review corresp to the court prepared by Smith	0.2
MDS	10/9/2020	Revise index of Campbell's medical records as exhibit to MSJ re QI	1.5
MDS	10/9/2020	Continue to revise + supplement MSJ re QI	3.2
SR	10/9/2020	Review court's order of dismissal of claims against Burcart + Dall w/out prejudice	0.2
SR	10/9/2020	Tel call with Mitchell in preparation for the status conf call	0.2
SR	10/9/2020	Attend status conf on 10/9 with J Sullivan	1
SR	10/10/2020	Prepare for + attend R16 conf on outstanding discovery + pleadings issues	2.4
MDS	10/12/2020	Continue to revise + supplement draft MSJ re QI	3.5
MDS	10/14/2020	Review DOJ's Resp to mot for Leave to File the SAC + plan handling re same	0.5
MDS	10/14/2020	Tel call with JW, former foster parent to AF re her observations of the boys + DHS expectations	1.5
SR	10/14/2020	Exchange email with Smith re his refusal to make Turner available before disc cut off	0.2
SR	10/14/2020	Exchange email with Smith re need to conclude Turner prior to dispositive mots deadline	0.2
SR	10/14/2020	Research re caselaw re whether withdrawn claims are "judicial admissions"	3.6
MDS	10/15/2020	Prepare Declaration of witness JW	1
MDS	10/16/2020	Continue to revise + supplement MSJ re QI	2.1
SR	10/16/2020	Exchange email with Smith re my intent to file MSJ on QI + the SOL defense	0.2
SR	10/17/2020	Prepare Mot for Leave to file two separate MSJs re QI + SOL + supporting Decl	1
SR	10/17/2020	Review draft MSJs re QI + SOL provided by Mitchell	1
MDS	10/18/2020	Continue to review + revise Plaintiff's MSJ re QI	3.2
MDS	10/19/2020	Finalize supporting Decl + voluminous exhibits + MSJ briefs re QI + SOL	12
SR	10/19/2020	Review EF's MSJ re QI + SOL + EF's supporting Declaration re notice of abuse to Evans	0.5
SR	10/19/2020	Finalize mot for Partial Summary Judg re SOL	1
SR	10/19/2020	Review state defs' mot for summary judgment on QI	1
SR	10/19/2020	Review Declaration of Lemon + attached exhibits	1.2
SR	10/19/2020	Review Declaration of Evans + attached exhibits in support of QI	2.2
SR	10/19/2020	Finalize our MSJ on Qualified Immunity against Evans, Lemon + Turner	3.5
SR	10/19/2020	Prepare Reply to DOJ's Opp to our Mot to Amend/Leave to file SAC	4.6
HW	10/20/2020	Attend lit team mtg re DHS MSJ + tasks to prepare Resps	0.5
MDS	10/20/2020	Convene team mtg re tasks in anticip of DOJ Resp to MSJs, Mot to strike, Evans/Lemon Decls	0.7
NR1	10/20/2020	Attend team mtg re preparation of responsive briefing + fact-checking DOJ	0.5
SR	10/20/2020	Attend team mtg re outline responsive points/arguments + legal research needs	0.5
SR	10/21/2020	Research caselaw re admissibility of evidence at summary judgment stage re Evans/Lemon Decls	4
SR	10/22/2020	Review email from Smith to the court re completion of Turner	0.1
SR	10/22/2020	Research whether/to what extent party asserting QI carries the burden of proof on both prongs of the test	4.7

Lwyr	Date	Explanation	Hours
SR	10/24/2020	Outline averments made by Evans/Lemon in their Decls	7.8
SR	10/25/2020	Continue analysis + breakdown of key averments in Declarations submitted by the workers	8.6
MDS	10/26/2020	Tel call EF atty re logistic issues with Turner depo	0.2
SR	10/26/2020	Outline + prepare R56(e) mot to Strike the Evans Declaration	8
SR	10/27/2020	Continue preparation of Mot to Strike Declarations of Evans/Lemon	7.6
SR	11/3/2020	Prepare for + attend cont'd depo of Turner	1.7
SR	11/3/2020	Begin preparation of AF Resp to state defs' MSJ QI	8.8
MDS	11/4/2020	Analyze cases cited by state defs + create Table to highlight factual differences/similarities to our case	3.8
SR	11/4/2020	Continue preparation of AF Resp to State Defs' MSJ on QI	8
MDS	11/5/2020	Continue analysis of cases relied on by state defendants + preparation of Table re same	3.6
SR	11/5/2020	Prepare email to Smith/Chin under LR 56-1 re intent to move to strike Evans/Lemon Decls	0.2
SR	11/5/2020	Review + exchange email re extending Resp time for Reply briefs	0.2
SR	11/5/2020	Exchange email with Smith with basis for the evidentiary objections	0.3
SR	11/5/2020	Revise Mot to strike re Evans Decl	6.7
MDS	11/6/2020	Tel calls + emails with counsel re extension for time to file responsive briefing	1.2
SR	11/6/2020	Prepare Joint mot for Extension of Time + supporting Decl	0.5
SR	11/6/2020	Continue preparation of Resp to state defs MSJ QI	7.8
SR	11/7/2020	Continue preparation of AF Resp to state defs' MSJ QI	8
MDS	11/9/2020	Review new DHS production of emails relevant to Burcart state actor claim + a new privilege log	1.2
SR	11/9/2020	Review SAFE home study materials re gathering/use of collateral info to support certification	0.4
SR	11/9/2020	Strategize the impact of the new Evans/Burcart email exchange + tardy log	0.6
MDS	11/10/2020	Review AF/EF testimony to rebut Evans's Decl	2
MDS	11/10/2020	Review Chin's email clawing back her chart submitted with the new production + advise team	2.1
SR	11/10/2020	Continue preparation of Resp to state defs' MSJ QI	8.9
SR	11/11/2020	Outline + prepare my Decl + exhibits in support of Resp to MSJ QI	2.5
SR	11/12/2020	Finalize Resp, Mot to strike, supporting Decl + exhibits	6.7
SR	11/13/2020	Review state defs' Resp to AF's MSJ re SOL	0.5
SR	11/13/2020	Review state defs' Resp to EF's MSJ re QI + SOL	0.5
SR	11/13/2020	Review + analyze state defendants' Resp to AF's QI MSJ	1
SR	11/13/2020	Review Decl of in support of the Resp to AF MSJ re QI	1
SR	11/13/2020	Review 12/1 of Smith in support of the Resp to AF MSJ re SOL	1
SR	11/13/2020	Research the cases cited by state defendants in their Resps to AF's + EF's MSJs re SOL	4.8
SR	11/13/2020	Begin drafting AF's Reply to state defs' Resp to AF MSJ re SOL	8
MDS	11/16/2020	Exchange email with DOJ counsel re need for LR 7 conferral re late email prod + privilege log	0.4
SR	11/16/2020	Begin preparation of AF's Reply to state defs' Resp to MSJ re SOL	5.4
SR	11/17/2020	Begin drafting AF's Reply to state defs' Resp to AF MSJ re QI	4.8
MDS	11/18/2020	Review late DHS late production, log + redactions + confer with DOJ counsel re same	2.3
MDS	11/19/2020	Identify + outline remaining issues + briefing needs + create agenda in prep for team mtg	0.7
MDS	11/19/2020	Research ORS 12.117 in relation to tolling under OTCA re the limitations issue	0.8
MDS	11/19/2020	Revise Reply to Resp to AF MSJ re SOL	1
HW	11/20/2020	Attend lit team mtg	0.5
MDS	11/20/2020	Convene team mtg re new DHS prod + log, Reply memor+a + support needs	0.5
NR1	11/20/2020	Attend team mtg re status of pleadings, new DHS email + log, + tasks to complete Reply briefs	0.6
SR	11/20/2020	Attend team mtg. re drafting of Replies + supporting Decls/exhibits + latest DHS discovery	0.5
SR	11/21/2020	Continue research of cases cited in state defs Resps to AF/EF MSJs re QI	2.5
SR	11/21/2020	Continue drafting AF's Reply to Resp to AF MSJ QI	5
MDS	11/23/2020	Evaluate impact of late DHS email + privilege log on current mots; plan contact with the court re same	1
SR	11/23/2020	Review Chin email claiming DOJ did not waive by the late production	0.1
SR	11/23/2020	Prepare email to Mitchell re EF's arguments his Reply	0.2
SR	11/23/2020	Review email from Chin, stating that late production was due to error + listing other factors	0.2

Lwyr	Date	Explanation	Hours
SR	11/23/2020	Analyze state defs' Reply to EF's Resp for relevance to AF	0.5
SR	11/23/2020	Edit email to Chin re why DOJ withheld discovery + the privilege log until discovery closed	0.5
SR	11/23/2020	Prepare email to Chin re list of questions re the reasons for the late production	0.5
SR	11/27/2020	Finalize AF's Reply to state defs' Resp to AF MSJ re QI/SOL + Decl + exhibits	9.8
SR	11/30/2020	Review + analyze state defs' Replies to AF + EF's Resps + plan further handling re same	2.5
SR	12/2/2020	Review Chin email + corresp + review attached documents previously withheld as privileged	0.4
SR	1/1/2021	Prepare corresp to J Sullivan re DOJ's late production of email + privilege log + Turner	1
SR	1/3/2021	Tel call with Butts re her evaluation/opinion re Campbell's certification	2.5
MDS	1/6/2021	Review DOJ's ltr to the court re privilege	0.5
MDS	1/7/2021	Review discovery orders + dates of production in prep for waiver argument re DOJ-DHS staffings	1.5
SR	1/7/2021	Prepare email to Smith/Chin re need for Resp to the court's request for status conf	0.1
MDS	1/8/2021	Revise ltr to court re privilege log + DOJ's objections during cont'd Turner depo	1
MDS	1/10/2021	Review, revise, provide feedback, discuss ltr to court re discovery, including privilege log +	3
SR	1/10/2021	Review the DOJ's late privilege log, create categories of 300+ withheld emails, review the Turner transcript	3.4
MDS	1/11/2021	Confer with EF atty re ltr to court re DOJ's waiver of privilege	0.7
SR	1/11/2021	Review DOJ's corresp to the court + attachments	0.3
SR	1/11/2021	Prepare ltr to J Sullivan re DOJ privilege waiver + compel answers to questions posed to Turner	3.6
MDS	1/12/2021	Identify additional potential exhibits for hearing re privilege, request transcripts.	0.5
MDS	1/12/2021	Research + analyze extent that privilege can be claimed in civil rights cases in advance of hearing	2
MDS	1/13/2021	Prepare for + attend discovery conf with the court	2.8
SR	1/13/2021	Tel call with EF atty Mitchell re prepare for oral argument	0.2
SR	1/13/2021	Review the order requiring DOJ to disclose all non-privileged emails + produce Turner	0.2
SR	1/13/2021	Prepare + attend R16 conf with the court	2
MDS	1/25/2021	Review DOJ email re seeking a 2nd settlement conf	0.7
SR	1/25/2021	Strategize DOJ's interest in settlement conf + impact on continued discovery	0.3
MDS	1/27/2021	Exchange email with EF atty re coordinate Resp to DOJ	0.3
MDS	1/28/2021	Review DOJ production in consequence of its waiver + revised Turner Declaration	3
MDS	1/29/2021	Review summary of the DOJ emails provided by EF's atty for use in supplemental briefing	1.5
MDS	1/29/2021	Continue review of non-privileged DOJ email + prepare Memo re key emails/attachments	1.8
SR	1/29/2021	Exchange email with Mitchell re key emails + the staffings + settlement conf	0.3
SR	1/29/2021	Review the emails + staffings produced by DOJ	1.5
SR	2/2/2021	Prepare email to Smith/Chin re concerns re good faith to engage in settlement conf	0.1
SR	2/2/2021	Exchange email with Mitchell re supplemental msjs allowed by the court + Resp to DOJ settlement idea	0.2
SR	2/3/2021	Receive email from Smith re DOJ/DAS will negotiate in good faith	0.1
MDS	2/18/2021	Exchange email with juv law expert re status of case	0.2
SR	2/21/2021	Prepare email to Mitchell, attaching draft Supplemental MSJ for review	0.1
SR	2/21/2021	Review summary of withheld email re outline arguments for use in suppl MSJ re QI	1.5
SR	2/21/2021	Prepare suppl MSJ QI re impact of DOJ's holding back emails on state actor claim against Burcart	4.2
MDS	2/22/2021	Review EF's draft supplemental briefing	0.4
SR	2/22/2021	Prepare email to Mitchell re Evans' lie about the jail visit + failure to apprise the court re EF's abuse report	0.2
MDS	2/25/2021	Revise Supplemental MSJ re QI + supporting Decl with non-privileged documents	2.3
SR	3/1/2021	Finalize AF Supplemental MSJ re QI + supporting 12/1	0.5
SR	3/2/2021	Finalize AF SAC	0.5
MDS	3/8/2021	Communications with EF atty re approach to a 2nd settlement conf	0.7
SR	3/10/2021	Review DOJ's mot for Judicial Settlement conf + Smith's Declaration	0.3
SR	3/10/2021	Research whether Civil Justice Reform Act authorizes the trial court to order settlement confs	0.6
SR	3/11/2021	Tel conf with Smith/Mitchell to evaluate whether another settlement conf is worthwhile	0.5
MDS	3/15/2021	Review state defs' Answer to SAC, adding comparative fault of Burcart/Dall	0.5
MDS	3/15/2021	Review state defendants' Resp to EF suppl MSJ + AF Supplemental MSJ re QI	1
SR	3/15/2021	Strategize Resp to DOJ's new comparative fault	0.4

Lwyr	Date	Explanation	Hours
SR	3/16/2021	Prepare email to Smith re concerns about the mot to compel a settlement conf	0.1
SR	3/17/2021	Prepare email to Smith re concerns that his Decl does not square with our conferral	0.2
SR	3/17/2021	Exchange email with Smith late addition of comparative fault defense + failure to obtain leave to file it	0.4
SR	3/18/2021	Review court's order granting mot to compel parties to settlement conf	0.1
SR	3/18/2021	Exchange email with Smith, confirming he will not withdraw the comp fault defense	0.2
SR	3/19/2021	Prepare corresp to the court re AF intended to respond to DOJ's mot	0.5
SR	3/19/2021	Research caselaw re evaluation of prejudice re late addition of affirmative defenses	2.6
SR	3/20/2021	Prepare email to Mitchell, attaching draft mot for review	0.1
SR	3/20/2021	Prepare draft mot to Strike the comparative fault defense	4.8
SR	3/22/2021	Prepare email to J McShane to discuss settlement conf issues/parameters/logistics re COVID	0.2
SR	3/25/2021	Review order by J McShane re holding individual calls with parties re settlement issues	0.1
SR	3/25/2021	Review Minute Order resetting oral argument on the parties' dispositive motions	0.1
SR	3/26/2021	Review EF mot for Leave to File Amended Complaint	0.1
SR	3/26/2021	Prepare + attend Tel call with J McShane	0.4
MDS	3/31/2021	Tel call with AF/Father re status of case, settlement conf, managing expectations	1
SR	4/2/2021	Finalize mot to Strike 4th Affirmative Defense	1.2
SR	4/5/2021	Exchange email with Mitchell re whether msj oral argument should precede/follow settlement conf	0.2
MDS	4/7/2021	Emails with SVR, DOJ + EF counsel re timing of settlement conf,	0.3
SR	4/9/2021	Review court order setting oral argument for 5/26	0.1
SR	4/13/2021	Review order by J McShane setting settlement conf + instructions for submissions	0.1
SR	4/13/2021	Exchange email w/Smith his mot to extend the Resp to SAC	0.2
SR	4/13/2021	Review state defs' Resp to AF mot to Strike 4th Affirmative Defense	1.5
SR	4/14/2021	Review order allowing state defs additional time to respond to EF's SAC	0.1
SR	4/14/2021	Review 'Baumgarner v Community Services Inc.' + other cases cited by DOJ in the Resp	2.8
MDS	5/3/2021	Analyze proposed settlement approach of EF, respond to emails	0.3
MDS	5/4/2021	Emails with counsel for EF re settlement approach	0.2
SR	5/4/2021	Exchange email with Mitchell re plan/logistics for upcoming settlement conf	0.2
SR	5/4/2021	Prepare Mediation statement to J McShane	4
SR	5/5/2021	Prepare email to Breiling re draft settlement corresp + attendance logistics	0.2
SR	5/5/2021	Exchange email with Mitchell re settlement ltr to J McShane	0.3
MDS	5/6/2021	Revise confidential submission to Judge McShane	1.3
MDS	5/10/2021	Prepare for settlement conf re tel call with AF/Father, Breiling + EF atty	1.6
MDS	5/11/2021	Tel call with EF re approach to settlement conf + logistics of EF attendance	1
SR	5/11/2021	Tel call with Mitchell to discuss our respective positions re the settlement conf	0.2
MDS	5/12/2021	Prepare for + attend settlement conf with Judge McShane	6
SR	5/12/2021	Update research re Ninth Circuit caselaw re interlocutory appeal + prepare email to EF atty re same	1
SR	5/12/2021	Attend settlement conf with J McShane	8
SR	5/17/2021	Review state defs' Resp to AF mot to Strike	1.2
SR	5/17/2021	Research cases cited by state defendants in the Resp + outline points for Reply	5.2
SR	5/19/2021	Review state defs' Answer to SAC re factual admissions + affirmative defenses	0.2
SR	5/20/2021	Prepare draft of Reply to Resp to MTS comparative fault	4
MDS	5/21/2021	Revise mot to Strike	1.2
SR	5/23/2021	Prepare email to Mitchell, attaching draft Reply for review	0.1
MDS	5/24/2021	Prepare ltr to court re outstanding mots ripe for oral argument on 5/26	1
MDS	5/24/2021	Continue revising Reply	2.3
SR	5/24/2021	Finalize Reply brief	1.5
SR	5/24/2021	Begin review/outline of pleadings + the parties' respective MSJs in preparation for oral argument	6.8
MDS	5/25/2021	Outline key points for oral argument re Evans	2
SR	5/25/2021	Continue preparing for oral argument on MSJs QI/SOL + our mot to Strike 4th Affirmative Defense	4.6
MDS	5/26/2021	Attend oral argument on dispositive mots + mot to strike	1.5

Lwyr	Date	Explanation	Hours
SR	5/26/2021	Review Minute Order taking mots under advisement	0.1
SR	5/26/2021	Tel call with Mitchell to debrief the argument + plan depositions of AAG Anderson + Cordero	0.2
SR	5/26/2021	Tel call with Mitchell re points/issues for oral argument	0.3
SR	5/26/2021	Prepare + attend oral argument on MSJs + MTS	3.5
SR	6/8/2021	Review EF mot to Strike the 4th Affirmative Defense re comp fault	0.2
SR	6/15/2021	Review transcript of oral argument on the msjs	0.5
SR	6/22/2021	Review state defs' Resp to EF's mot to Strike re references to AF	0.2
MDS	7/6/2021	Prepare email to team re status of case; awaiting rulings + trial setting	0.3
MDS	7/13/2021	Prepare email to juv law expert re status of case	0.2
MDS	9/8/2021	Tel call with Dr. Lee re AF psych eval/current functioning, R26 expert disclosure requirements	0.5
MDS	9/13/2021	Review notice of appointment of new Magistrate Judge + conduct background research re J Hallman	1
MDS	9/17/2021	Tel call with Butts re case status, R26 disclosures + related issues re Campbell certification	1.6
MDS	9/17/2021	Review the court's Opinion granting AF/EF MSJs re QI + SOL + the granting/denying in part the MTS	2.5
SR	9/17/2021	Exchange e-mail with Mitchell re the court's order + add'l discovery re comparative fault	0.2
SR	9/17/2021	Tel call with Father + AF re the court's order granting the MSJs	0.3
SR	9/17/2021	Analyze J Sullivan's Opinion denying MTS/allowing AF leave to seek add'l discovery of comp fault defense	1
SR	9/17/2021	Analyze J Sullivan's Opinion granting AF's MSJ QI/SOL + consider potential for interlocutory appeal	2
SR	9/20/2021	Prepare email to Breiling re the court's order on the msjs + mot to Strike	0.2
SR	9/21/2021	Prepare email to Mitchell re draft mot for Limited Additional Discovery	0.2
SR	9/21/2021	Exchange email with Smith re LR 7 conferral on the MLAD	0.2
SR	9/21/2021	Prepare mot seeking Limited Additional Discovery as ordered	1.5
SR	9/27/2021	Review email from J Sullivan re her inability to hear the mot for Limited Add'l Disc	0.1
MDS	9/28/2021	Tel call with Judge McShane re settlement.	0.5
MDS	9/29/2021	Review Dr. Lee's CV + trial cases re prep for expert disclosures	1
SR	9/29/2021	Review Minute Order re Judicial Reassignment to J You	0.1
SR	9/29/2021	Prepare email to Smith re consent to draft ltr to J You re same	0.1
SR	9/29/2021	Review order from J You 'mooting' the parties' MSJs + plan Resp re same	0.2
SR	9/29/2021	Exchange email with Mitchell re J You's order mooted J Sullivan's rulings	0.2
SR	9/29/2021	Prepare corresp to J You re the court's misunderstanding of J Sullivan's rulings	1.5
MDS	9/30/2021	Revise ltr to J You re the distinction between the two versions of the 4th Affirm Defense	0.5
SR	9/30/2021	Receive email from J You (via Smith) re status conf	0.1
SR	9/30/2021	Prepare email to J You advising that we represent AF	0.1
SR	9/30/2021	Receive email from J You advising that the order mooted the msjs MSJS will be withdrawn	0.1
SR	9/30/2021	Tel call with Mitchell re the reassignment + mootness issue	0.3
SR	9/30/2021	Research re withdrawal of consent to Magistrate Judge jurisdiction	1.5
MDS	10/1/2021	Review the court's twin scheduling orders re Mot to compel limited additional discovery	0.3
SR	10/4/2021	Review court's order inquiring whether parties intend to withdraw consent to Magistrate Judge jurisdiction	0.1
MDS	10/13/2021	Review DOJ's Notice of withdrawal of consent to magistrate jurisdiction	0.4
MDS	10/13/2021	Meet with juv law expert re DHS roles/responsibilities re depo of AAG Anderson	1
SR	10/13/2021	Review corresp from Smith to J You	0.2
SR	10/13/2021	Supplement Memo to File re mtg with juv law expert	0.5
SR	10/13/2021	Attend mtg with juv law expert re DHS' responsibilities to the court in dependency cases	1.2
SR	10/14/2021	Prepare corresp to the court re withdrawal of consent	0.2
MDS	10/19/2021	Meet with EF atty re approach to oral argument on mot to compel limited add'l discovery	0.8
SR	10/19/2021	Review EF's corresp withdrawing Consent to Magistrate Judge jurisdiction	0.1
SR	10/19/2021	Tel call with Middleton re plan for oral argument	0.2
MDS	10/20/2021	Prepare for + attend hearing on mot to compel additional discovery	1.5
SR	10/20/2021	Review court order granting our mot + transfer of the case to J Simon	0.1
SR	10/20/2021	Prepare + attend oral argument on AF's mot for Limited Add'l Discovery	1.5
SR	10/21/2021	Exchange email with Mitchell re transfer to J Simon + plan for handling re same	0.2

Lwyr	Date	Explanation	Hours
SR	10/22/2021	Tel call with Mitchell to discuss transfer of the case + discovery issues	0.2
SR	10/23/2021	Prepare draft Interrogatories to state defendants re the comparative fault defense	1
MDS	10/25/2021	Revise Interrogatories re comparative fault	0.3
SR	10/25/2021	Prepare email to Breiling re reassignment to J Simon	0.1
SR	10/25/2021	Review court order setting the 11/4 initial status conf	0.1
SR	10/25/2021	Exchange email with Mitchell re draft of Interrogatories re comparative fault	0.2
SR	10/26/2021	Finalize Interrogatories re comparative fault	0.3
MDS	10/28/2021	Outline points for ltr to J Simon to introduce the case + issues	0.5
SR	10/28/2021	Review email from J Simon seeking a status conf + plan handling re same	0.2
MDS	10/29/2021	Meet with investigator to review completion status of witness interviews	0.5
MDS	10/29/2021	Prepare ltr to Judge Simon	2.3
SR	11/1/2021	Prepare corresp to J Simon re introducing the case, procedural status, + discovery issues	1
SR	11/2/2021	Prepare email to Mitchell re seek input on the corresp	0.1
SR	11/2/2021	Tel conf with Butts re review/assessment of certification of Campbell	2
MDS	11/3/2021	Follow up with Dr. Lee re preparation of expert report	0.3
MDS	11/3/2021	Revise ltr to Judge Simon in preparation for scheduling hearing	0.5
MDS	11/3/2021	Research caselaw re termination of AF's conservatorship	0.7
SR	11/3/2021	Exchange email with Mitchell re corresp to the court	0.2
MDS	11/4/2021	Prepare for + participate in conf with Judge Simon	1
SR	11/4/2021	Exchange email with Smith re conferral on issues as requested by the court	0.2
SR	11/4/2021	Prepare + attend status conf with Judge Simon	1
SR	11/5/2021	Review minutes of proceeding with court, request transcript	0.2
SR	11/8/2021	Exchange email with Mitchell re EF documents produced by Schneider	0.2
SR	11/8/2021	Prepare mot to compel depositions of AAG Anderson/Cordero	2.8
MDS	11/10/2021	Review file + outline points re expert report of Butts	1
MDS	11/11/2021	Emails with expert Dr. Jeff Lee re evaluation of AF	0.5
MDS	11/11/2021	Tel call with client AF re evaluation, status of case	0.5
MDS	11/11/2021	Revise MTC Anderson/Cordero	1
MDS	11/12/2021	Attend conferral with DOJ re depositions of Anderson/Cordero	0.4
SR	11/12/2021	Confer with DOJ Smith re deposing Anderson + Cordero	0.4
SR	11/12/2021	Review transcript of the 10/20 hearing on AF's MTC + 11/4 status conf re prepare MTC	0.6
SR	11/12/2021	Review email + caselaw from Mitchell for use in MTC	0.7
MDS	11/16/2021	Revise MTC Anderson + Cordero re same	1.2
MDS	11/16/2021	Review 800 pages of non-privileged documents + identify key docs for use with the MTC	4.6
SR	11/18/2021	Prepare draft mot to Compel the depositions of Anderson + Cordero	4.8
SR	11/21/2021	Prepare email to Mitchell re the draft MTC + seeking input	0.1
SR	11/22/2021	Exchange email with Mitchell re Resp to comments on the draft MTC	0.8
SR	11/22/2021	Finalize mot to Compel Anderson/Cordero + supporting Declaration	3.7
MDS	11/24/2021	Exchange email with counsel for EF re status of case	0.3
SR	11/24/2021	Exchange email with Mitchell re the expert discovery timeline requested by J Simon	0.2
SR	11/29/2021	Exchange email with Smith re execution of state defs' Resp to AF's interrogatories	0.2
SR	11/30/2021	Prepare email to Smith re insufficiency of Resp + request to confer	0.1
SR	11/30/2021	Review state defs' Resp to supplemental rogs	0.3
SR	12/1/2021	Exchange email with Smith re conferral on the state defendants' Resp to the rogs	0.2
MDS	12/2/2021	Exchange email with Dr. Lee re report + AF	0.2
MDS	12/2/2021	Contact AF re Dr. Lee's psych eval	0.3
SR	12/2/2021	Tel call with Butts re Campbell's SAFE Questionnaires 1&2	1.6
MDS	12/3/2021	Tel call with Dr. Lee re preparation of the R26 report + requirements	0.6
MDS	12/3/2021	Prepare + confer with Butts re expert opinions + the R 26 expert report	4.5
SR	12/6/2021	Review EF's corresp to J Simon	0.1

Lwyr	Date	Explanation	Hours
SR	12/6/2021	Prepare ltr to J Simon re expert discovery + MTC Anderson/Cordero conferral	0.3
SR	12/6/2021	Prepare corresp to J Simon re conferral on Anderson/Cordero + expert discovery timeline	0.4
SR	12/6/2021	Review DOJ's Resp to MTC Anderson	0.8
MDS	12/7/2021	Prepare for + attend hearing on MTC Anderson + Cordero	2
SR	12/7/2021	Review the court's order granting AF's mot to Compel	0.1
SR	12/7/2021	Prepare + attend oral argument on MTC Anderson/Cordero + status conf re expert disclosures	1
MDS	12/8/2021	Prepare follow up email to Butts referencing key documents/bates for use with her expert report	0.5
MDS	12/8/2021	Emails with expert Butts re expert disclosure issues	0.5
MDS	12/8/2021	Identify SAFE contracts provided by DOJ; review same re provisions requiring specific trainings	1
SR	12/17/2021	Tel call to Smith re state defs' Resps to rog + Anderson/Cordero depositions	0.1
SR	12/17/2021	Prepare confirming email to Smith re our conferral	0.1
SR	12/17/2021	Review email from Smith that AAG Chin will defend AAG Anderson + Cordero depositions	0.1
SR	12/29/2021	Strategize preparation of expert reports, page/line depo summaries + checklist approach	2
MDS	1/3/2022	Contact experts to plan/attend conf calls to prepare R26 expert disclosures	0.6
MDS	1/3/2022	Review Butts' opinion that Turner lacked requisite SAFE to act as SAFE supervisor	0.7
SR	1/3/2022	Review transcript of the 12/7 status conf	0.2
MDS	1/4/2022	Tel call with Father re case status	0.3
MDS	1/4/2022	Tel call with AF re status of case	0.4
MDS	1/4/2022	Prepare for conf with Butts	0.5
MDS	1/6/2022	Discuss depo schedule with EF atty	0.3
MDS	1/6/2022	Continue to sleuth depo marking anomalies + confer with the reporter re same	0.4
MDS	1/6/2022	Attend conf with Butts re R26 expert disclosure/opinions	4
MDS	1/7/2022	Tel call with AF re case status	0.2
MDS	1/7/2022	Attend conf with Dr. Lee re R26 expert report + opinions	3
MDS	1/10/2022	Review + analyze draft Butts draft opinions/report	2.6
SR	1/10/2022	Tel conf with Dr. Lee re psych evaluation of AF	2.5
CBC	1/12/2022	Begin page/line summary of Chris Evans depo for trial atty	3.3
MDS	1/12/2022	Confirm exhibits marked at DHS depositions with court reporter/videographer	0.5
CBC	1/14/2022	Continue summary of the Evans depo	6.8
MDS	1/14/2022	Exchange emails with Butts re preparation of expert report	0.7
CBC	1/18/2022	Continue page/line summary of the Evans depo	5.2
SR	1/18/2022	Prepare email to Smith, again seeking amended answer to the interrogatory	0.1
CBC	1/19/2022	Begin page + line summary Volume I of the Lemon depo	6.4
MDS	1/19/2022	Review file Memo re SAFE + prepare documents for use with Butts	0.7
CBC	1/20/2022	Continue summary of the Lemon depo	5.8
CBC	1/21/2022	Complete summary of Evans	6.5
MDS	1/21/2022	Tel call with O'Keefe re Russell ESI	0.4
MDS	1/22/2022	Confer with Butts re preparation of her expert report	2
CBC	1/24/2022	Continue Lemon Volume I depo summary	2.4
MDS	1/24/2022	Review + begin to analyze AF report from Dr. Lee	2
SR	1/24/2022	Review draft R26 report from Dr. Lee	1
CBC	1/25/2022	Complete summary of Volume I of the Lemon depo	3.2
MDS	1/25/2022	Tel call with counsel for EF re expert disclosures, Anderson depo.	0.6
MDS	1/25/2022	Review exhibits + report from Butts	0.7
SR	1/25/2022	Exchange email with Smith + Mitchell re plan/logistics for Anderson/Cordero depositions	0.2
CBC	1/26/2022	Attend team mtg	0.5
MDS	1/26/2022	Convene team mtg to review expert reports, depositions, + trial preparation tasks	0.7
NR1	1/26/2022	Attend team mtg	0.5
SR	1/26/2022	Attend team mtg re prep for Anderson, expert disclosures, + trial prep checklist approach/tasks	0.5
CBC	1/27/2022	Begin page/line summary of Krista Turner depo Vol. 1	3.3

Lwyr	Date	Explanation	Hours
MDS	1/27/2022	Review Butts expert report + opinions	3.6
CBC	1/28/2022	Continue depo summary of Turner, Vol. 1	4.6
SR	1/28/2022	Tel call with Dr. Lee re R26 requirements for expert report, future counseling needs + projected costs	1
CBC	1/31/2022	Begin page/line summary of the Burcart depo	5.6
CBC	2/1/2022	Complete summary of Burcart depo	7.3
MDS	2/1/2022	Confer with Butts re scope of expert report/opinions + citation to specific facts	3.8
CBC	2/2/2022	Continue summary of Turner depo Vol. 1	3
MDS	2/2/2022	Research ability to recover for expert costs in 1983 cases	0.7
NR1	2/2/2022	Review + summarize DHS emails attributable to/involving AAG John Anderson	7.1
SR	2/2/2022	Review progress of expert disclosures re the 2/7 deadline	0.4
SR	2/2/2022	Analyze draft R 26 report prepared by Dr. Lee	1.5
CBC	2/3/2022	Review/cross-reference Ex 4 to Turner Vol. 1 re DHS certification standards	0.5
MDS	2/3/2022	Confer w/Butts re her expert report + Lemon's backdating of the SAFE home study	2.9
NR1	2/3/2022	Continue review + summary of Anderson emails + revise file memor+um	6.7
CBC	2/4/2022	Continue depo summary of Turner Vol. 1	3.2
MDS	2/4/2022	Review exhibits to Dr. Lee report	0.6
SR	2/4/2022	Review + analyze Dr. Lee's completed expert report	1
MDS	2/7/2022	Receive expert disclosure from DOJ re Wendy Bourg PhD + perform prelim background research	1.5
MDS	2/7/2022	Review the completed Butts expert report + exhibits	2.4
MDS	2/7/2022	Continue to finalize expert disclosures + exhibits	5
SR	2/7/2022	Finalize R26(a)(2) Expert Disclosure Statements for inclusion with Lee/Butts expert reports	0.5
SR	2/7/2022	Review + analyze state defs' R26 expert report from Wendy Bourg PhD + plan Resp re same	3.5
SR	2/7/2022	Research Daubert caselaw dealing with psych testimony re witness memory + credibility	6.8
CBC	2/8/2022	Complete summary of depo of Turner Vol. 1	3.3
MDS	2/8/2022	Plan follow up contact with Dr. Lee re potential rebuttal re Bourg's report	1
SR	2/8/2022	Strategize need for rebuttal expert testimony in Resp to Bourg	0.4
CBC	2/9/2022	Finish summary of Burcart depo	3.7
MDS	2/9/2022	Tel calls with 3 psychological experts re Bourg's compliance w/APA standards for testifying experts	2.5
MDS	2/9/2022	Identify exhibits for use in deposing Anderson re juv law standards + the staffings	3
SR	2/9/2022	Review email from Mitchell with outline of questions for Anderson depo	0.4
SR	2/9/2022	Review list of cases in which Bourg testified; plan to obtain trial testimony + her articles/publications	0.5
SR	2/9/2022	Evaluate whether Bourg is compliant with Section 9 of the Specialty Guidelines for Forensic Psychology	1.4
MDS	2/17/2022	Prepare email to DOJ re attempt to ascertain the specific documents Bourg references in her opinion	0.4
CBC	2/22/2022	Review defendants' Amend. Resp. to AF's First Interrogatories in cross-reference to Turner Vol. 2	0.5
CBC	2/22/2022	Prepare page/line summary of Billy Cordero depo	7.2
SR	2/22/2022	Prepare email to Smith/Chin re request to inspect Bourg's expert file	0.2
SR	2/22/2022	Tel call with Smith re inspection of Bourg file, Anderson depo. request to contact J McShane	0.2
CBC	2/23/2022	Complete depo summary of Turner, Vol. 2	5.7
MDS	2/23/2022	Follow up with Dr. Lee re rebuttal report	0.5
SR	2/23/2022	Prepare email to Smith confirming points discussed in our call	0.2
SR	2/23/2022	Exchange email with Mitchell re Smith's proposal to contact J McShane	0.2
CBC	2/24/2022	Begin page/line summary of the Tierra Wright-Simmons depo	0.5
CBC	2/24/2022	Prepare page/line summary of Turner depo Vol. III	2
SR	2/24/2022	Review progress of investigator's search for Bourg trial transcripts	0.2
CBC	2/25/2022	Continue depo summary of Wright-Simmons	2.6
NR1	2/25/2022	Research prior cases where Dr. Wendy Bourg testified in court	1
SR	2/25/2022	Review status of search for media/news articles re Bourg	0.2
CBC	2/28/2022	Continue summary of Wright-Simons depo	4.3
SR	2/28/2022	Exchange email with J McShane re his availability to meet with the parties in person on 3/21	0.2
SR	2/28/2022	Prepare email to Smith attaching caselaw re request to reconsider his objection	0.4

Lwyr	Date	Explanation	Hours
SR	2/28/2022	Research the ability to inspect adversary's expert witness file re Smith's objection	1
SR	2/28/2022	Research extent to which draft expert opinions/communications are discoverable	1.5
SR	2/28/2022	Exchange email with Smith re his objection to allowing us to inspect Bourg's file	3
MDS	3/1/2022	Email team re list of tasks + completion dates	0.2
MDS	3/1/2022	Tel call with psychologist re application of Specialty Guidelines for forensic psychologists re rebuttal	1.5
MDS	3/2/2022	Prepare corresp to DOJ re Bourg materials; review Resp from Smith	1.5
NR1	3/2/2022	Travel to/from OHSU medical library to research journal articles cited by Dr. Bourg	2.6
CBC	3/3/2022	Finish depo summary of Wright-Simmons	5.6
MDS	3/3/2022	Exchange multiple emails with DOJ re Bourg file materials + inspection issues	0.7
MDS	3/4/2022	Outline points for ltr to Judge Simon re discovery conf + rebuttal expert deadline	0.5
SR	3/4/2022	Review exchange of email with Smith re draft mot to extend rebuttal disclosure deadline	0.1
SR	3/4/2022	Review the court's email Resp re rebuttal timeline + formal mot re Bourg file inspection	0.1
SR	3/4/2022	Finalize corresp to J Simon	0.2
CBC	3/7/2022	Begin page/line summary the Jennifer Graffunder depo	1.5
MDS	3/7/2022	Exchange email with EF atty re a 3rd settlement conf with Judge McShane	0.2
MDS	3/7/2022	Follow up w/investigator re sums recv'd by Bourg for testimony on behalf of criminal sex abuse defendants	0.2
MDS	3/7/2022	Follow up with Dr. Lee re Bourg report + rebuttal report	0.2
CBC	3/9/2022	Continue depo summary of Graffunder	6.4
MDS	3/9/2022	Prepare corresp re MPO + MTC, continue to prepare MTC + MPO.	4
MDS	3/10/2022	Exchange email with Dr. Lee re rebuttal report	0.2
MDS	3/10/2022	Exchange emails with EF atty settlement conf	0.2
MDS	3/10/2022	Review annotations provided by potential consultant + prepare Resp	0.5
SR	3/10/2022	Receive DOJ email attaching sharefile link to Bourg's file materials	0.1
MDS	3/13/2022	Exchange email with potential consulting expert re review/rebuttal of Bourg's opinions	0.3
CBC	3/14/2022	Complete depo summary of Graffunder	1.6
MDS	3/15/2022	Tel call with Dr. Lee re rebuttal report	1.5
NR1	3/15/2022	Research the articles cited by Dr. Lee for use in depositions	1
CBC	3/16/2022	Prepare page/line depo summary of Grandfather depo	5.2
MDS3/16/2022	3/16/2022	Attend pre-settlement conf mtg with the client	1
SR	3/16/2022	Meet with Father, AF, EF + EF atty in preparation for settlement conf + expectations re same	1
SR	3/16/2022	Prepare confidential settlement corresp to J McShane	5.4
MDS	3/17/2022	Review + revise ltr to Judge McShane	1.5
SR	3/17/2022	Prepare email to Breiling re settlement status + status of conservatorship	0.1
SR	3/17/2022	Prepare email to Smith requesting to depose Chris Black, the signatory for the rogs	0.1
SR	3/17/2022	Review state defs' Resp to AF supplemental rogs	0.3
MDS	3/20/2022	mtg with Father, AF + EF atty	1.5
SR	3/20/2022	Meet with DF, AF + EF/Mitchell re prep for settlement conf	1.5
MDS	3/21/2022	Follow up with Dr. Lee re rebuttal report + timeline	0.2
MDS	3/21/2022	Review NOD to Bourg to incorporate Mackay language in SDT	0.3
MDS	3/21/2022	Review + revise ltr to Judge Simon after settlement conf	0.5
MDS	3/21/2022	Attend settlement conf with clients	7
SR	3/21/2022	Prepare email to Smith again requesting dates for Black's depo	0.1
SR	3/21/2022	Revise the subpoena for Dr. Bourg re specifying materials she is to bring w/her to the depo	0.2
SR	3/21/2022	Prepare + attend settlement conf with J McShane	7
SR	3/22/2022	Prepare email to Smith re J You's prior ruling allowing Plfs to depose signatory of the suppl rogs	0.1
SR	3/22/2022	Review email from the court re trial setting conf on 4/18	0.1
SR	3/22/2022	Exchange email with Smith re clarifying length of time needed for Bourg	0.2
SR	3/22/2022	Research Oregon law re need for expert testimony re standard of care to support legal malpractice claim	3.6
MDS	3/23/2022	Tel call with EF atty re debrief settlement conf + coordinate on trial prep	0.5
MDS	3/23/2022	Prepare + attend conferral with DOJ re Bourg report, materials, Black depo, etc.	0.7

Lwyr	Date	Explanation	Hours
SR	3/23/2022	Tel conferral with Smith re the depo of Black	0.1
SR	3/23/2022	Prepare email to Smith attaching 10/21/21 transcript re req to reconsider objection to Black's depo	0.2
SR	3/23/2022	Review consulting expert, Dr. Freyd, critique of Bourg's R26 report + lack of support for opinions	0.5
SR	3/23/2022	Research an expert's ability to opine re credibility of a sex abuse victim	1.2
MDS	3/24/2022	Review + analyze mot for extension of time re rebuttal experts, confer with DOJ on language	1
MDS	3/24/2022	Review Bourg file materials for completeness +/- or omissions	1.7
SR	3/24/2022	Prepare Partial MSJ against state defs' 4th Affirmative Defense re comparative fault	5.2
MDS	3/25/2022	Research PDSC procedures + prepare language/topics for use in SDT to PDSC re Bourg data	1
MDS	3/25/2022	Revise PMSJ against the comparative fault defense	1.3
MDS	3/25/2022	Prepare materials for Dr. Lee's rebuttal report	1.5
NR1	3/25/2022	Research the books + remaining citations cited by Dr. Bourg	2
SR	3/25/2022	Exchange email with Smith re state defs' mot to extend discovery + Bourg depo	0.2
SR	3/25/2022	Exchange email with Smith re opportunity to review Bourg file in advance of her appearance	0.2
SR	3/25/2022	Exchange 6 emails w/ Smith re his stipulated mot/order extending deadlines; review the draft re same	1.2
SR	3/25/2022	Begin file Memo capturing APA Dictionary of Psychology definitions of terms used by Bourg	2
SR	3/25/2022	Continue review of email referencing AAG Anderson in prep for his depo	2.2
SR	3/25/2022	Review + outline Bourg's trial testimony in 'State v. Mendoza' in prep for her depo	2.3
SR	3/26/2022	Research caselaw re whether allegations of fault are 'judicial admissions'	4.2
MDS	3/28/2022	Final conferral re DOJ mot to extend rebuttal expert deadline.	0.3
MDS	3/28/2022	Tel call with PDSC/Steven Singer re follow up on subpoena re Bourg	0.6
SR	3/28/2022	Review state defs' mot to extend discovery + Smith Decl	0.2
MDS	3/29/2022	Exchange email with Dr. Lee re preparation of rebuttal report	0.2
MDS	3/29/2022	Tel call + email exchange with PDSC atty/Erick Dietrick re compliance with Bourg SDT	0.6
SR	3/29/2022	Continue review/preparation for AAG Anderson depo re Grandfather's certification file	2.6
SR	3/30/2022	Prepare for depo of AAG Anderson re outline topics + questions re Ex 7	5
MDS	3/31/2022	Tel call with Dr. Lee re missing documents in Bourg's file	0.5
MDS	3/31/2022	Identify exhibits for use with Anderson	3.3
SR	3/31/2022	Continue preparation for Anderson's depo	2.3
SR	3/31/2022	Prepare outline of questions + exhibits for use in Anderson's depo	6.5
MDS	4/1/2022	Continue to review + make final revisions to PMSJ re comparative fault.	1
MDS	4/1/2022	Assist in providing questions for AAG Anderson depo re juv standards, supervision of Hall	1
SR	4/1/2022	Depose of AAG Anderson	6
MDS	4/4/2022	Finalize PMSJ re comparative fault	1.5
MDS	4/4/2022	Research Daubert caselaw re expert 'memory' + credibility testimony in prep for Bourg depo	4
SR	4/4/2022	Exchange email with Mitchell re retaining expert rebuttal to Bourg's testimony	0.2
SR	4/4/2022	Review Oregon case law re admissibility of evidence re "grooming"	0.4
SR	4/4/2022	Read 'Dangerous Safe Havens: Institutional Betrayal Exacerbates Sexual Trauma' published by Dr. Freyd	0.5
SR	4/4/2022	Research psych expert witness ability to nuance/indirectly comment on credibility	1.2
MDS	4/5/2022	Review corresp with DOJ + follow up on Black depo	0.3
SR	4/5/2022	Exchange email with Smith, again requesting Black's depo	0.2
SR	4/5/2022	Review + outline Bourg's trial testimony in 'State v. Altherr' re child memory issues	5.6
MDS	4/6/2022	Exchange email with EF atty re Dr. Freyd rebuttal report issues	0.7
SR	4/6/2022	Continue Altherr review/outline; perform internet research re articles cited in the DA's X exam	3.5
CBC	4/7/2022	Begin page/line summary of Rick Dall depo	5.6
MDS	4/7/2022	Exchange mails + tel calls with EF atty + Dr. Freyd re rebuttal report	1.6
SR	4/7/2022	Review + outline Bourg's trial testimony in 'Oregon v. Worley' re prep for her depo	4.8
CBC	4/8/2022	Continue depo summary of Dall depo	3.8
MDS	4/8/2022	Continue to follow up with Dr. Freyd re rebuttal expert report	0.7
MDS	4/8/2022	Review + revise exhibits for depo of Billy Cordero	2
SR	4/8/2022	Prepare email to Smith, again seeking dates to depose Black	0.1

Lwyr	Date	Explanation	Hours
SR	4/8/2022	Prepare email to Smith re req Bourg to bring her file with her to the depo	0.1
MDS	4/9/2022	Tel conf with Dr. Freyd re her opinions + rebuttal report	1
SR	4/9/2022	Tel conf with Dr. Freyd to review credentials, rebuttal of Bourg + concept of 'betrayal trauma'	1
SR	4/10/2022	Prepare email to Mitchell re Dr. Freyd's rebuttal report	0.2
SR	4/10/2022	Receive email from Dr. Freyd + review the draft rebuttal report + review the 4 attached articles	3.2
NR1	4/11/2022	Research additional citations referenced by Dr. Bourg + Dr. Freyd's citations	0.4
SR	4/11/2022	Review status of Table listing authorities cited by Bourg for my use in her depo	0.2
MDS	4/12/2022	Arrange tel con with Dr. Lee in prep for Bourg depo	0.2
MDS	4/13/2022	Review Dr. Freyd's feedback re rebuttal report with Mitchell	0.4
NR1	4/13/2022	Prepare expedited transcription of Bourg testimony in Von Tol v Von Tol /Mult Co (30 separate audio files)	4.2
SR	4/13/2022	Exchange email with Mitchell re Dr. Freyd's rebuttal report	0.2
CBC	4/14/2022	Prepare expedited transcription of Dr. Bourg's 7/21/2021 trial testimony (49 audio files)	7.4
NR1	4/14/2022	Continue transcription Bourg's trial testimony in Von Tol	4.8
SR	4/14/2022	Review 'State v. Milbradt' re psychologist's ability to opine re witness credibility in Oregon	0.3
SR	4/14/2022	Review 'State v. Romero' opinion re admissibility issues with Bourg's 'memory' testimony	0.6
CBC	4/15/2022	Continue transcribing Bourg's cross/re-direct examination	4.4
MDS	4/15/2022	Review transcriptions of Bourg testimony, provide guidance to paralegal re additional work.	0.3
MDS	4/15/2022	Finalize terms of Dr. Freyd's rebuttal expert scope + retention	0.7
NR1	4/15/2022	Continue to acquire citations used by Dr. Bourg in her report	1
NR1	4/15/2022	Complete trial transcription of Dr. Bourg's testimony; noting court's instruction that credibility is for the ct	2.3
SR	4/15/2022	Research caselaw re challenges to expert 'memory' testimony that lacks independent research basis	0.5
SR	4/15/2022	Analyze Wide Ranging Health Consequences of ACEs + Young Boys Reactions to Adult NA cited Bourg	1.5
SR	4/16/2022	Review email from Dr. Freyd + analyze attached final Rebuttal report	0.4
SR	4/16/2022	Review/outline J Simon's Trial Management Order	1
SR	4/16/2022	Analyze J Simon's opinion in 'U.S. v. Heine' re admissibility of memory expert testimony + related cases	3.5
SR	4/17/2022	Prepare email to Mitchell re plan/strategy for 4/18 trial setting conf	0.5
SR	4/17/2022	Review 'Oregon Interviewing Guidelines' authored by Bourg	3
CBC	4/18/2022	Complete depo summary of Dall	6
MDS	4/18/2022	Tel call with EF atty re prepare for trial setting conf	0.2
MDS	4/18/2022	Attend trial setting conf with Judge Simon	1
MDS	4/18/2022	Analyze report recv'd from Dr. Lee + tel conf with Lee re same	2
SR	4/18/2022	Prepare another email to Smith, seeking dates for Black	0.1
SR	4/18/2022	Prepare email to J Simon to advise that the case is venued in Pendleton division	0.1
SR	4/18/2022	Review Smith's email to the court arguing that trial should be held in Pendleton	0.1
SR	4/18/2022	Tel call with Mitchell in advance of trial setting conf	0.2
SR	4/18/2022	Review J Simon's Resp re the 8/22 trial + status conf on 4/27 re same	0.2
SR	4/18/2022	Prepare + attend trial setting conf setting an 8/22/22 trial in Ptl	1
SR	4/18/2022	Outline the requirements in the Trial Management Order + prepare email to team re same	1
SR	4/18/2022	Analyze the 'Seven Sins of Memory' book chapters relied on by Bourg	1.4
SR	4/18/2022	Tel conf with Dr. Lee re review/analysis of Bourg's R26 disclosure + prep for her depo	2.3
SR	4/18/2022	Review/outline Bourg's trial testimony in 'Oregon v. Worley' Deschutes County in prep for her 4/22 depo	6.2
SR	4/19/2022	Exchange with Smith re his attempt to switch the Bourg depo from in-person to ZOOM	0.2
SR	4/19/2022	Review/outline Bourg's trial testimony in 'Oregon v. Shree Krishna Sangrolia' Mult. Co	4.3
MDS	4/20/2022	Communications with Dr. Freyd re rebuttal report	1
MDS	4/20/2022	Prepare ltr to the court re history of our in-person NOD to Bourg + need for file inspection pre-depo	1.5
SR	4/20/2022	Exchange email with J Simon re resolution of the personal/virtual appearance issue	0.2
SR	4/20/2022	Analyze Dr. Freyd's Resp re quantitative formulation of 'predict' + cites to supporting articles	0.3
SR	4/20/2022	Prepare email to Dr. Freyd re Bourg's ability to use ACE score to 'predict' adverse future health outcomes	0.5
SR	4/20/2022	Review APA Specialty Forensic Guidelines re Bourg's compliance	1.2
SR	4/20/2022	Review/outline Bourg's trial testimony in 'State of Oregon v. Revette' Mult Co	2.6

Lwyr	Date	Explanation	Hours
SR	4/20/2022	Review/outline Bourg's trial testimony in 'Oregon v. Rodriguez' Mult Co	3.8
MDS	4/21/2022	Exchange email with EF counsel re questions/issues for Bourg	0.4
MDS	4/21/2022	Finalize preparation of Bourg depo exhibits	1.5
NR1	4/21/2022	Review AF MSJ QI depo testimony + excerpt/pair the videotape to create visual trial exhibits	1.4
SR	4/21/2022	Tel conf with Smith re Dr. Bourg's personal appearance	0.1
SR	4/21/2022	Review email from Dr. Freyd re Bourg's 'damaged goods' implication + rebuttal re same	0.5
SR	4/21/2022	Review Dr. Lee's draft expert rebuttal report + prepare email to Lee re same	1.5
SR	4/21/2022	Finalize Bourg depo Outline in preparation for depo	9.2
NR1	4/22/2022	Continue to excerpt/pair the worker's written + videotaped testimony for use at trial	1.7
SR	4/22/2022	Receive email from DOJ + analyze Bourg's file notes as requested on the record during the depo	3
SR	4/22/2022	Depose Dr. Bourg + plan continuation in light of her self-imposed 3hr limitation	4
SR	4/23/2022	Exchange email with Mitchell re draft ltr to J Simon	0.2
SR	4/23/2022	Prepare corresp to J Simon re holding trial in Portland	1
SR	4/25/2022	Review state defs' Resp to our PMSJ re dismiss comparative fault + plan Resp	2.6
MDS	4/26/2022	Review Smith's ltr to Judge Simon in prep for hearing	0.1
MDS	4/26/2022	Review + begin to analyze Resp to MPMSJ	0.8
NR1	4/26/2022	Continue to excerpt/pair videotaped + written testimony of the DHS defendants	1.9
SR	4/26/2022	Prepare email to Smith + attaching U.S. Census Bureau material that corrects his assertion	0.2
SR	4/26/2022	Review Smith's corresp to J Simon re 'median' household income figures re U.S. Census Bureau statistics	0.5
SR	4/26/2022	Finalize corresp to J Simon re trial venue	0.5
SR	4/26/2022	Perform internet research of U.S. Census Bureau income statistics to fact-check Smith	1
SR	4/26/2022	Research the cases cited by DOJ in Resp to AF's PMSJ + outline points for Reply	4
CBC	4/27/2022	Complete depo summary of Cordero	4.8
MDS	4/27/2022	Prepare for + attend scheduling conf with Judge Simon	1.1
NR1	4/27/2022	Continue to excerpt/pair videotaped/written testimony of the DHS workers	2.1
SR	4/27/2022	Review court's order scheduling trial in Portland on 8/22	0.1
SR	4/27/2022	Review 'Williams v. Invenergy' cited by Smith in his ltr to J Simon to support a Pendleton trial	0.4
SR	4/27/2022	Prepare + attend trial setting conf with J Simon	0.5
SR	4/27/2022	Attend trial setting conf with J Simon	1
CBC	4/28/2022	Prepare page/line summary of the Leavitt depo	6.4
NR1	4/28/2022	Continue to excerpt/pair videotaped/written testimony of the DHS workers	1.7
SR	4/28/2022	Review email from Dr. Lee + attached report	0.2
SR	4/28/2022	Prepare email to Smith re need to confirm his perpetuation depositions in Union County + Black's depo	0.2
SR	4/28/2022	Prepare the R26 form of Rebuttal Expert Disclosures for Dr. Lee + Dr. Freyd	0.6
SR	4/28/2022	Tel call with Dr. Lee re draft rebuttal expert report	1
NR1	4/29/2022	Continue to excerpt/pair videotaped testimony with the written transcripts for use as trial exhibits	1.3
SR	4/29/2022	Review email from Smith to J Simon re Smith's potential conflict with another trial in Multnomah Co	0.1
SR	4/29/2022	Prepare email to Smith re need for Dr. Bourg's time records + her expert witness contract with DOJ	0.2
SR	4/29/2022	Outline points for Reply to state defs' Resp to AF Partial MSJ re comparative fault	0.5
SR	4/30/2022	Research framing/formulation of a section 1983 special verdict form	0.6
SR	4/30/2022	Begin review of Ninth Circuit Pattern Instructions + outline/plan special instructions re the 1983 claims	1
SR	4/30/2022	Prepare Reply to state defs' Resp to AF Partial MSJ re comparative fault	6.4
MDS	5/2/2022	Receive, review + begin to analyze Expert witness contract between ODHS + Dr. Bourg.	0.3
MDS	5/2/2022	Review trial readiness status of Smith's Mult Co case re potential for conflict with 8/22 trial in this case	0.5
MDS	5/2/2022	Identify + prepare exhibits for Round III of the Bourg depo	2.5
NR1	5/2/2022	Review media file re 'N.E. v. Oregon' + 'E.S. v. Oregon' re obtain jury instructions/verdict forms	0.4
SR	5/2/2022	Review the contract between DOJ + Bourg + plan questions for Round III	1
SR	5/2/2022	Outline + prepare Memo re Trial Preparation tasks/deadlines + email team re same	5.6
MDS	5/3/2022	Prepare amended NOD to Bourg at Smith's request for remote depo due to health risks	0.2
MDS	5/3/2022	Revise PMSJ Reply	0.9

Lwyr	Date	Explanation	Hours
SR	5/3/2022	Exchange email with Smith re confirm agreement to proceed with Round II by ZOOM again	0.2
SR	5/3/2022	Tel call with Mitchell re prep for Bourg - Round II	0.2
SR	5/3/2022	Review + outline Bourg's 4/22 depo transcript; revise my depo Outline re same in prep for Round II	8.6
MDS	5/4/2022	Tel call with EF atty re prep/coordination for Bourg depo	0.6
MDS	5/4/2022	Review 'Seven Sins' + provide passages to SR that rebut Bourg's reliance on this publication	1.2
SR	5/4/2022	Review DOJ's invoice for Dr. Bourg's work performed on this case	0.1
SR	5/4/2022	Attend Round II of Dr. Bourg	5
NR1	5/5/2022	Continue to excerpt/pair videotaped testimony with the written transcripts for use as trial exhibits	4.8
SR	5/5/2022	Finalize Reply to Resp to AF Partial MSJ	2
CBC	5/6/2022	Begin page/line depo summary of former DHS Director Marilyn Jones	4.7
NR1	5/6/2022	Continue to excerpt/pair videotaped testimony with the written transcripts for use as trial exhibits	3.2
SR	5/8/2022	Prepare email to Smith again seeking dates for his 8 perpetuation witnesses + Black	0.2
CBC	5/9/2022	Continue depo summary of Marilyn Jones	4.3
CBC	5/10/2022	Complete summary of M Jones depo	5.4
MDS	5/10/2022	Follow up on accounting + logistical issues relating to trial venue change.	0.2
MDS	5/10/2022	Research Oregon caselaw re joint tortfeasors for use in preparing the verdict form	1.5
SR	5/10/2022	Receive email from Smith, citing difficulties with perpetuation witnesses	0.1
SR	5/10/2022	Continue preparation of special jury instructions re the 1983 claims	6.7
MDS	5/11/2022	Receive, review + analyze DHS Resp to PMSJ from EF re references to AF	0.3
MDS	5/11/2022	Review Bourg's Round II depo transcript re testimony re Daubert mot	1.6
MDS	5/11/2022	Begin outline + preparation of Witness Statements in accord with Trial Mgmt. Order	6.8
NR1	5/11/2022	Continue to excerpt/pair videotaped testimony with written transcripts for use as trial exhibits	2.8
SR	5/11/2022	Exchange email with Mitchell re Bourg's inability to testify to reas degree of med certainty	0.2
SR	5/11/2022	Review state defs' Resp to EF's Partial MSJ re comp fault	0.3
SR	5/11/2022	Outline + prepare a mot to Exclude Bourg	7.2
CBC	5/12/2022	Begin page/line depo summary Cynthia Russell	7.3
SR	5/12/2022	Perform legal research re updated case law on supervisory liability standard re 1983 claim against Turner	0.5
SR	5/12/2022	Continue to formulate jury instructions re the 1983 claims, joint liability + punitive damages claims	6.2
SR	5/12/2022	Outline/prepare draft of Verdict Form for each 1983 claim + Verdict form re negligence against DHS	6.9
NR1	5/13/2022	Continue to excerpt/pair videotaped testimony with the written transcripts for use as trial exhibits	2.9
SR	5/13/2022	Prepare email to Mitchell re draft verdict form + 1983 jury instructions	0.2
MDS	5/16/2022	Exchange email with Mitchell re Bourg Round III depo + dismissal of comparative fault	0.4
MDS	5/16/2022	Analyze Judge Simon's Opinion re DHS' joint liability with Burcart	0.6
NR1	5/16/2022	Continue to excerpt/pair videotaped testimony with the written transcripts for use as trial exhibits	4.1
SR	5/16/2022	Review J Simon's Opinion on AF PMSJ dismissing the 4th Affirmative Defense of comparative fault	1
MDS	5/17/2022	Exchange email with DOJ re waiving depo of Billy Cordero in light of PMSJ ruling	0.2
MDS	5/18/2022	Tel call (vm) from Judge McShane re DOJ renewed interest in settlement	0.1
MDS	5/18/2022	Exchange with Dr. Lee re his trial appearance, preparation + logistics	0.3
MDS	5/18/2022	Tel call with AF client re DOJ renewed interest in settlement + case status	1
MDS	5/18/2022	Update Trial Witness list known/probable witnesses, substance, estimated length of testimony	3.8
NR1	5/18/2022	Complete the video excerpts of the DHS workers' depo testimony	2.7
SR	5/18/2022	Review exchange of email between Mitchell/Smith re Smith's failure to note his perpetuation depos	0.2
CBC	5/19/2022	Complete depo summary of Russell	4.4
MDS	5/19/2022	Tel call with Judge McShane re possibility of settlement	0.2
MDS	5/19/2022	Review file re notations of previous settlement confs + review with Mitchell re same	0.5
MDS	5/19/2022	Tel call with Father re case status, settlement + management of expectations	1
MDS	5/19/2022	Review Union County DA file + identify witnesses + exhibits for trial	3
MDS	5/23/2022	Tel call with AF re current status, settlement offer/concerns about another failed settlement conf, etc	0.5
MDS	5/24/2022	Review status of DOJ's settlement offer re amount/atty fees + apparent Offer of Judg re same	0.5
MDS	5/26/2022	Tel call with Judge McShane re DOJ settlement offer/acceptance	0.2

Lwyr	Date	Explanation	Hours
MDS	5/26/2022	Exchange email with Smith re my call with Judge McShane re structured settlement issues	0.2
SR	5/26/2022	Review Smith's email re AF/EF use of structured settlement language in an Offer of Judgment	0.1
MDS	5/27/2022	Tel call + email exchange with Mitchell re settlement issues	1.6
SR	5/28/2022	Research legal standards re seeking a recovery of atty fees + costs in 1983 actions	1.5
MDS	5/30/2022	Obtain + analyze OSB 2017 economic survey to evaluate Ptl atty/paralegal hourly rates	0.3
MDS	5/30/2022	Communications with paralegal re preparation of fee petition, logistics + timeframe.	0.3
MDS	5/30/2022	Analyze costs recoverable in 1983 actions	0.8
MDS	5/30/2022	Review 'Biotronik v. Fry' fee petition + related briefing	1
MDS	5/30/2022	Evaluate offer of judgment language in light of structured settlement request	1.5
SR	5/30/2022	Review email exchange w/Structured Settlement Professionals re need for specific language in a judgment	0.3
SR	5/30/2022	Review 'Kerr v. Screen Extras Guild' re factors utilized in evaluating fee requests	0.5
MDS	5/31/2022	Prepare email to our experts advising re likelihood of settlement	0.3
MDS	5/31/2022	Review 'Johnson v. DHS' re fee petition + related briefing	0.5
MDS	5/31/2022	Analyze Offer of Judgment caselaw re incorporating language unique to this case	0.6
SR	6/1/2022	Exchange email with Structured Settlement Professionals re seek approval of proposed form of OOJ	0.2
SR	6/1/2022	Prepare email to Smith with proposed language for an Offer of Judgment + suggesting a Stip Judg instead	1
SR	6/2/2022	Exchange email with Smith re carrier's acceptance of the use of language	0.2
MDS	6/6/2022	Exchange email with DOJ + Mitchell re language of the OJ	0.3
SR	6/6/2022	Exchange email with Smith re need for turnaround re Trial Management Order deadlines	0.2
SR	6/6/2022	Tel call + email exchange with Smith status of settlement + use of stipulated judgment	0.2
MDS	6/7/2022	Analyze 'Shandie Johnson v. DHS' fee petition + related briefing	1
SR	6/8/2022	Research 1983 caselaw dealing with stipulations of judgment + forms thereof	1
SR	6/8/2022	Tel call with Smith re use of stip judgment + DOJ won't contest prevailing party status	0.1
SR	6/9/2022	Tel call with Mitchell re form of stip judgment	0.1
SR	6/13/2022	Prepare email to Smith + Mitchell attaching draft mot	0.1
SR	6/13/2022	Prepare draft of mot to Enter Stipulated Judgment + email same to DOJ	1.9
SR	6/14/2022	Prepare mot to Terminate Guardianship re AF is now 18 + email same to Smith/Mitchell	0.5
SR	6/16/2022	Tel call with Smith re settlement + draft mot for stipulated judgment	0.4
SR	6/17/2022	Exchange email with Smith re suggested revisions to terms of the draft mot	0.2
SR	6/17/2022	Prepare email to Smith attaching the redraft + issues with the revisions	0.4
SR	6/17/2022	Prepare a redraft of the mot to Enter Stipulated Judgment incorporating DOJ's language	0.5
SR	6/19/2022	Read Ninth Circuit case law re standards for the award of atty fees under Section 1983	1.5
SR	6/20/2022	Prepare a revised draft mot re stip judg + email same to Smith	0.3
SR	6/20/2022	Review add'l Ninth Cir opinions re subsumed Kerr factors + standard for fee reduction/enhancement	1
SR	6/20/2022	Begin review of billing statement + costs advanced	2.1
SR	6/21/2022	Prepare email to Smith re draft QARA + confirmation of AF's prevailing party status	0.1
SR	6/21/2022	Exchange email with Smith re revisions to mot to enter Stipulated Judgment	0.2
SR	6/21/2022	Exchange email with SSP re IF requirements are met re QARA	0.2
SR	6/22/2022	Tel call with Mitchell re status of mot, + need for finalization	0.1
SR	6/22/2022	Receive email from Mitchell re her call with Smith	0.1
SR	6/22/2022	Research Ninth Cir caselaw re joint/several liability for fees in 1983 claims	1
SR	6/23/2022	Exchange email with Smith re the stipulated judgment + notification of the insurer's approval	0.2
SR	6/23/2022	Prepare draft ltr to J Simon re current status + email same to Smith for review	0.3
SR	6/23/2022	Prepare the Stipulated Judgment + email same to Smith for review	0.5
SR	6/23/2022	Research caselaw re standard/definition for 'related claims' in 1983 actions	1.2
SR	6/25/2022	Tel call with Father re pre-suit counsel retention issues	0.1
SR	6/27/2022	Exchange email with atty Stephen Brischetto re expert testimony re mot for fees/costs	0.3
SR	6/27/2022	Research + brief District of Oregon opinions awarding atty fees in 1983 actions	3.5
SR	6/29/2022	Prepare Order terminating GAL + email same to Smith for review	0.3
SR	7/1/2022	Prepare email to Smith/Mitchell re revision to Stip Judg re EF's decision to not structure	0.2

Lwyr	Date	Explanation	Hours
SR	7/1/2022	Research caselaw re standard for recovery of paralegal + investigator time	1
SR	7/3/2022	Prepare draft Declaration in support of Mot to Recover Atty Fees	8
SR	7/4/2022	Outline points/issues for draft mot to Recover Atty Fees	8
SR	7/8/2022	Prepare email to Smith attaching revised Stip Judge + fully executed QARA	0.5
SR	7/11/2022	Prepare a highlighted version of the Stip Judg + exchange email with Smith re same	0.3
SR	7/11/2022	Prepare draft Mot to Recover Atty Fees	6
SR	7/12/2022	Prepare email to Smith with attached W-9 + final draft mot + Stip Judg	0.2
SR	7/14/2022	Prepare email to Smith with Ind Life payment instructions re QARA	0.2
SR	7/14/2022	Prepare email to Smith/Mitchell re the mot, Stip Judg, Decl in support + QARA	0.5
SR	7/18/2022	Finalize mot to enter Stip Judg + supporting Decl	0.5
SR	7/19/2022	Review the Stip Judg signed by J Simon	0.1
SR	8/5-15/2022	Prepare and finalize Motion to Recover Fees and Decl	24
TOTAL HOURS:			3893.30

A.F. v. Evans

Cheridan Carr TOTAL HOURS - 182.2

2022	Hours
January	53.6
February	43.8
March	20.3
April	38.4
May	26.1
June	
July	
August	
September	
October	
November	
December	

182.2 **TOTAL**

A.F. v. Evans

Heather Wettlaufer TOTAL HOURS - 129.2

2018	Hours
January	1.5
February	6.9
March	
April	
May	
June	
July	1.4
August	
September	0.5
October	1.5
November	
December	13

24.8 **TOTAL**

2019	Hours
January	0.4
February	19.5
March	2.8
April	1
May	4.3
June	20.8
July	5.5
August	5.6
September	4.2
October	11.7
November	9.9
December	

85.7 **TOTAL**

2020	Hours
January	0.6
February	
March	14
April	1
May	1
June	0.5
July	
August	
September	0.6
October	0.5
November	0.5
December	

18.7 **TOTAL**

A.F. v. Evans

Kimbra Barnett TOTAL HOURS - 35.3

2019	Hours
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	35.3
November	
December	

35.3 **TOTAL**

A.F. v. Evans

Mary Skjelset TOTAL HOURS - 1705.2

2017	Hours
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	22.2
November	45.6
December	26

93.8 TOTAL

2018	Hours
January	85.1
February	17.2
March	27.2
April	5.5
May	3
June	3.2
July	22.3
August	3
September	2.1
October	3.6
November	5
December	22.4

199.6 TOTAL

2019	Hours
January	11
February	26.3
March	11.4
April	15
May	32.9
June	43.7
July	62.1
August	79.9
September	25.7
October	32.5
November	56.3
December	102.5

A.F. v. Evans

Mary Skjelset **TOTAL HOURS - 1705.2**
499.3 **TOTAL**

2020	Hours
January	114.1
February	45.8
March	62
April	14.3
May	43.8
June	74.7
July	85.8
August	94.8
September	78.3
October	48.5
November	20.6
December	

682.7 **TOTAL**

2021	Hours
January	19.3
February	2.9
March	3.2
April	0.3
May	18.4
June	
July	0.5
August	
September	7.6
October	7.6
November	12
December	9.6

81.4 **TOTAL**

2022	Hours
January	24.9
February	24.3
March	36.9
April	25
May	36
June	1.3
July	
August	
September	
October	
November	

A.F. v. Evans

Mary Skjelset **TOTAL HOURS - 1705.2**

December	
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148.4 **TOTAL**

A.F. v. Evans

Nathan Rizzo TOTAL HOURS - 240.7

2019	Hours
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	54.8

54.8 **TOTAL**

2020	Hours
January	72.7
February	10.6
March	
April	0.5
May	1
June	4.7
July	
August	26
September	4.7
October	0.5
November	0.6
December	

121.3 **TOTAL**

2022	Hours
January	0.5
February	14.8
March	5.6
April	22.8
May	20.9
June	
July	
August	
September	
October	
November	
December	

64.6 **TOTAL**

A.F. v. Evans

Shannon Boyd TOTAL HOURS - 8.1

2016	Hours
January	
February	
March	
April	
May	3.4
June	
July	
August	1
September	
October	
November	
December	

4.4 TOTAL

2017	Hours
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	1.4
November	2.3
December	

3.7 TOTAL

A.F. v. Evans

Steven Rizzo TOTAL HOURS - 1568.6

2016	Hours
January	
February	
March	
April	
May	12.3
June	
July	
August	0.8
September	
October	
November	1.6
December	

14.7 TOTAL

2017	Hours
January	
February	
March	
April	
May	
June	
July	1.5
August	
September	
October	
November	3.6
December	0.8

5.9 TOTAL

2018	Hours
January	1
February	0.3
March	
April	
May	0.3
June	10
July	91.2
August	
September	14.2
October	8.7
November	10
December	27.3

A.F. v. Evans

Steven Rizzo TOTAL HOURS - 1568.6
163 TOTAL

2019	Hours
January	3.2
February	22.4
March	35.9
April	12.3
May	15.1
June	6.2
July	31.8
August	39.3
September	34.8
October	5.7
November	15.6
December	18.4

240.7 TOTAL

2020	Hours
January	147.2
February	73.7
March	53.9
April	8.8
May	24.8
June	63.5
July	80.9
August	53
September	37.6
October	72.7
November	110.6
December	0.4

727.1 TOTAL

2021	Hours
January	15.4
February	6.4
March	12.7
April	6.2
May	41.6
June	0.9
July	
August	
September	9.9
October	6.4
November	19.6

A.F. v. Evans

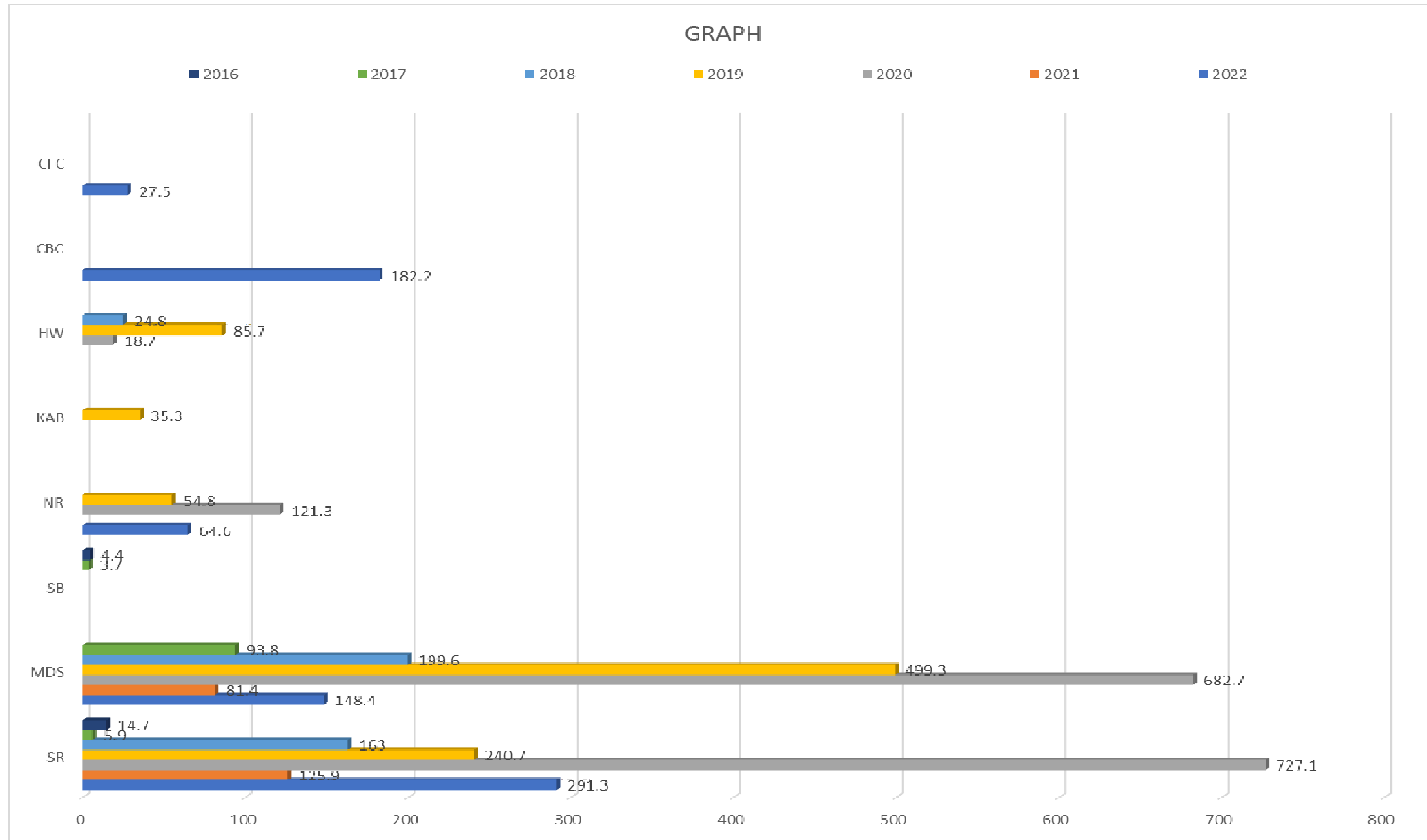
Steven Rizzo TOTAL HOURS - 1568.6

December	6.8
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125.9 TOTAL

2022	Hours
January	5.5
February	23.7
March	56.3
April	105.5
May	54.8
June	20
July	25.5
August	24
September	
October	
November	
December	

315.3 TOTAL



**U.S. District Court
District of Oregon (Pendleton (2))
CIVIL DOCKET FOR CASE #: 2:18-cv-01404-SI**

A.F. v. Evans et al
Assigned to: Judge Michael H. Simon
Demand: \$26,000,000
Cause: 42:1983 Civil Rights Act

Date Filed: 07/26/2018
Date Terminated: 07/19/2022
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

A. F.

represented by **Mary Skjelset**
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1300 SW Sixth Avenue
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Email: mskjelset@rizzopc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Fax: 503- 229-0630
Email: srizzo@rizzopc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Heidi Van Kirk
guardian ad litem for minor child A.F.
TERMINATED: 07/03/2019

represented by **Mary Skjelset**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven V. Rizzo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Michael Breiling
guardian ad litem for minor child A.F.
TERMINATED: 03/01/2021

represented by **Mary Skjelset**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven V. Rizzo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Christopher Evans
in his individual capacity

represented by **James S. Smith**
Department of Justice
Trial Division
100 SW Market St
Portland, OR 97201
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ATTORNEY TO BE NOTICED

Defendant

Krista Turner
in her individual capacity

represented by **James S. Smith**
(See above for address)
ATTORNEY TO BE NOTICED

Jill Schneider
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Defendant

Janie Burcart
in her individual capacity
TERMINATED: 10/09/2020

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Defendant

**Oregon Department of Human Services
 (DHS)**
a government agency

represented by **James S. Smith**
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Jill Schneider
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ATTORNEY TO BE NOTICED

Defendant

Jane or John Doe Defendants 1-4
in their individual capacities

Defendant

Susan Lemon
in her individual capacity

represented by **James S. Smith**
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ATTORNEY TO BE NOTICED

Defendant

Richard Dall
TERMINATED: 10/09/2020

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TERMINATED: 10/09/2020

Movant

Union County Circuit Court

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TERMINATED: 11/13/2020

Date Filed	#	Docket Text
07/26/2018	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-5496603 Jury Trial Requested: Yes. Filed by A. F. against All Defendants (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons to Christopher Evans, # <u>3</u> Proposed Summons to Krista Turner, # <u>4</u> Proposed Summons to Oregon Department of Human Services, # <u>5</u> Proposed Summons to Janie Burcart, # <u>6</u> Proposed Summons to the Oregon Department of Justice). (Rizzo, Steven) (Entered: 07/26/2018)
07/26/2018	<u>2</u>	Petition to Appoint Guardian ad litem re A.F. Filing fee in the amount of \$400 collected.

EXHIBIT 4

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		Agency Tracking ID: 0979-5496720. Filed by A. F. against All Defendants. (Rizzo, Steven) Modified Event Type to Motion on 7/27/2018 (joha). (Entered: 07/26/2018)
07/26/2018	3	Declaration of Steven Rizzo <i>in Support of Petition for Appointment of Guardian ad litem re A.F.</i> Filed by A. F.. (Attachments: # 1 Exhibit 1) (Rizzo, Steven) (Entered: 07/26/2018)
07/27/2018	4	Notice of Case Assignment to Magistrate Judge Patricia Sullivan and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 11/26/2018. Joint Alternate Dispute Resolution Report is due by 12/24/2018. Pretrial Order is due by 12/24/2018. Ordered by Magistrate Judge Patricia Sullivan. (joha) (Entered: 07/27/2018)
07/27/2018	5	Summons Issued Electronically as to Janie Burcart, Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (joha) (Entered: 07/27/2018)
08/01/2018	6	Notice of Appearance of James S. Smith appearing on behalf of Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner Filed by on behalf of Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner. (Smith, James) (Entered: 08/01/2018)
08/08/2018	7	OPINION AND ORDER: The Court GRANTS petitioners Petition for Appointment of Guardian ad litem re A.F. 2 and appoints petitioner Heidi Van Kirk as guardian ad litem for plaintiff A.F. Signed on 8/8/18 by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 08/08/2018)
08/23/2018	8	Motion to Dismiss for Failure to State a Claim <i>the Fourth Claim for Relief</i> . Filed by Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner. (Smith, James) (Entered: 08/23/2018)
08/23/2018	9	Acceptance/Acknowledgement of Service on Janie Burcart served on 8/8/2018 Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 08/23/2018)
09/04/2018	10	Answer to 1 Complaint, with Jury Demand . Filed by Janie Burcart. (Eichner, Katie) (Entered: 09/04/2018)
09/06/2018	11	Unopposed Motion for Extension of Time to File a Response/Reply to Motion to Dismiss for Failure to State a Claim <i>the Fourth Claim for Relief</i> 8 . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 09/06/2018)
09/06/2018	12	Declaration of Steven Rizzo <i>in Support of Unopposed Motion for Extension of Time</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion 11 .) (Rizzo, Steven) (Entered: 09/06/2018)
09/10/2018	13	ORDER: Motion for Extension of Time to File Response/Reply to Motion to Dismiss for Failure to State a Claim <i>the Fourth Claim for Relief</i> 8 is GRANTED. Response is due by 9/14/2018. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 09/10/2018)
09/14/2018	14	Response to Motion to Dismiss for Failure to State a Claim <i>the Fourth Claim for Relief</i> 8 Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 09/14/2018)
09/27/2018	15	Reply to Plaintiff's Response Concerning Defendants' Motion to Dismiss <i>the Fourth Claim</i> . Filed by Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Response to Motion 14 .) (Smith, James) (Entered: 09/27/2018)

11/21/2018	16	Unopposed Motion for Extension of Discovery & PTO Deadlines . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 11/21/2018)
11/21/2018	17	Declaration of Steven Rizzo <i>in Support of Plaintiff's Unopposed Motion to Extend the Discovery Schedule</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Discovery & PTO Deadlines 16 .) (Rizzo, Steven) (Entered: 11/21/2018)
11/26/2018	18	ORDER: Motion for Extension of Discovery & PTO Deadlines 16 is GRANTED. Discovery is to be completed by 6/20/2019. Joint Alternate Dispute Resolution Report is due by 7/19/2019. Pretrial Order is due by 7/19/2019. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 11/26/2018)
12/03/2018	19	Findings & Recommendation: Motion to Dismiss for Failure to State a Claim <i>the Fourth Claim for Relief</i> 8 should be GRANTED. Objections to the Findings and Recommendation are due by 12/17/2018. Signed on 12/3/18 by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 12/03/2018)
12/03/2018	20	Order referring Findings & Recommendation 19 to Judge Simon. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 12/03/2018)
12/05/2018	21	Amended Answer to Complaint with Jury Demand. Filed by Janie Burcart. (Eichner, Katie) (Entered: 12/05/2018)
12/17/2018	22	Unopposed Motion for Extension of Time to File an Objection to <i>Findings and Recommendation</i> to 19 . Filed by A. F., Heidi Van Kirk. (Rizzo, Steven) (Entered: 12/17/2018)
12/17/2018	23	Declaration of <i>Steven Rizzo in support of Unopposed Motion for Extension of Time to File Objections to Findings and Recommendations</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time to File Objection to F & R 22 .) (Rizzo, Steven) (Entered: 12/17/2018)
12/19/2018	24	ORDER - Plaintiff's Motion for Extension of Time to File Objection to F & R (ECF 22) is GRANTED. Objections to the Findings and Recommendation are due by 12/21/2018. Ordered by Judge Michael H. Simon. (mja) (Entered: 12/19/2018)
12/20/2018	25	Objections to Findings & Recommendation: Complaint, 1 , Motion to Dismiss for Failure to State a Claim <i>the Fourth Claim for Relief</i> 8 should be GRANTED 19 . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 12/20/2018)
12/20/2018	26	Declaration of <i>Counsel in Support of Objections to Findings & Recommendations</i> . Filed by All Plaintiffs. (Related document(s): Objections to Findings & Recommendation 25 .) (Rizzo, Steven) (Entered: 12/20/2018)
01/03/2019	27	Response to Objections to Findings & Recommendation. Related document(s): 19 Findings & Recommendation,. Filed by Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner. (Smith, James) (Entered: 01/03/2019)
01/24/2019	28	ORDER - The Court ADOPTS Magistrate Judge Sullivan's Findings and Recommendation, ECF 19 . Defendants' Motion to Dismiss Plaintiff's Fourth Claim (ECF 8) is GRANTED. Plaintiff is granted leave to amend if Plaintiff can plausibly allege that Defendants Evans and Turner were not acting in the scope of their employment in committing the acts alleged. Signed on 1/24/2019 by Judge Michael H. Simon. (mja) (Entered: 01/24/2019)
02/28/2019	29	Unopposed Motion for Protective Order <i>re Mt. Emily Safe Center Records</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 02/28/2019)
02/28/2019	30	Declaration of <i>Counsel in Support of Plaintiff's Unopposed Motion for Protective Order</i>

		<i>re Mt. Emily Safe Center Records</i> . Filed by All Plaintiffs. (Related document(s): Motion for Protective Order 29 .) (Rizzo, Steven) (Entered: 02/28/2019)
03/05/2019	31	ORDER: Motion for a Protective Order 29 is GRANTED. Signed on 3/5/19 by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 03/05/2019)
04/03/2019	32	Scheduling Order: Status Conference is set for 4/5/2019 at 11:00AM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 04/03/2019)
04/03/2019		Telephone conference call information for 4/5/19 hearing: Number: 888-675-2535 Access Code: 6085546 . (dsg) (Entered: 04/03/2019)
04/04/2019	33	Scheduling Order: The Status Conference is set for 4/5/2019 at 11:00AM has been CANCELED. The Status Conference will be set at a later date. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 04/04/2019)
04/10/2019	34	Joint Status Report . Filed by Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner. (Smith, James) (Entered: 04/10/2019)
04/16/2019	35	Unopposed Motion for Protective Order <i>re Center for Human Development Records</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 04/16/2019)
04/16/2019	36	Declaration of <i>Counsel in Support of Plaintiff's Unopposed Motion for Protective Order re Center for Human Development Records</i> . Filed by All Plaintiffs. (Related document(s): Motion for Protective Order 35 .) (Rizzo, Steven) (Entered: 04/16/2019)
04/22/2019	37	ORDER: Motion for a Protective Order 35 is GRANTED. Signed on 4/22/19 by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 04/22/2019)
04/23/2019	38	ORDER: Pursuant to counsel's request this case is abated for 120 days. The parties shall file a Joint Status Report by 9/6/2019. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 04/23/2019)
04/26/2019	39	Motion to Quash <i>Subpoena Duces Tecum to Eastern Oregon Net, Inc.</i> . Oral Argument requested. Expedited Hearing requested. Filed by Janie Burcart. (Eichner, Katie) (Entered: 04/26/2019)
04/26/2019	40	Declaration of Nikola L. Jones <i>In Support of Motion to Quash Subpoena Duces Tecum to Eastern Oregon Net, Inc.</i> Filed by Janie Burcart. (Related document(s): Motion to Quash 39 .) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) (Eichner, Katie) (Entered: 04/26/2019)
04/30/2019	41	Scheduling Order: Status Conference is set for 5/14/2019 at 02:00PM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 04/30/2019)
04/30/2019		Telephone conference call information for 5/14/19 hearing: Number: 888-675-2535 Access Code: 6085546 . (dsg) (Entered: 04/30/2019)
05/09/2019	42	ORDER by Magistrate Judge Patricia Sullivan: Exhibit 1 to the Declaration of Nikola L. Jones (# 40) includes personal identifiers subject to redaction pursuant to Fed. R. Civ. P. 5.2. The Clerk's Office is ordered to RESTRICT access to exhibit one to case participants and court staff. (eo) (Entered: 05/09/2019)
05/10/2019	43	Response to Motion to Quash <i>Subpoena Duces Tecum to Eastern Oregon Net, Inc.</i> 39 Oral Argument requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 05/10/2019)
05/10/2019	44	Declaration of <i>Counsel in Support of Plaintiff's Response to Defendant Burcart's Motion to Quash Subpoena</i> . Filed by All Plaintiffs. (Related document(s): Response to Motion 43 .) (Rizzo, Steven) (Entered: 05/10/2019)

05/14/2019	45	MINUTES of Proceedings: Status Conference HELD before Magistrate Judge Patricia Sullivan. Case is not abated with regards to third party discovery. Parties shall proceed as discussed on the record. Motion to quash 39 is denied. Documents produced pursuant to subpoena to be directed to defendant Burcart's attorney who will submit privilege log to the Court for in camera review within 30 days. Documents not claimed privileged will be produced to plaintiff's attorney within 30 days. Mary Skjelset present as counsel for plaintiffs. Elleanor Chin for James Smith, Katie Eichner present as counsel for defendants. Court Reporter: FTR-11A. (dsg) (Entered: 05/14/2019)
05/28/2019	46	Unopposed Motion for Protective Order . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 05/28/2019)
05/28/2019	47	Declaration of <i>Counsel in Support of Plaintiff's Unopposed Motion for Protective Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Protective Order 46 .) (Rizzo, Steven) (Entered: 05/28/2019)
05/29/2019	48	ORDER: Motion for a Protective Order 46 is GRANTED. Signed on 5/29/19 by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 05/29/2019)
06/13/2019	49	Motion to Appoint Guardian ad litem . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 06/13/2019)
06/13/2019	50	Declaration of <i>Counsel in Support of Plaintiff's Motion to Substitute Guardian ad litem</i> . Filed by All Plaintiffs. (Related document(s): Motion to Appoint 49 .) (Rizzo, Steven) (Entered: 06/13/2019)
07/02/2019	51	Motion to Compel <i>Against Grande Ronde Defenders LLC</i> . Oral Argument requested.Expedited Hearing requested. Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/02/2019)
07/02/2019	52	Declaration of <i>Counsel in Support of Plaintiff's Motion to Compel Against Grande Ronde Defenders LLC</i> . Filed by All Plaintiffs. (Related document(s): Motion to compel 51 .) (Rizzo, Steven) Modified on 7/3/2019 to place under seal (dsg). (Entered: 07/02/2019)
07/02/2019	53	Corrected Declaration of <i>Counsel in Support of Plaintiff's Motion to Compel Against Grande Ronde Defenders LLC</i> . Filed by All Plaintiffs. (Related document(s): Motion to compel 51 .) (Rizzo, Steven) (Entered: 07/02/2019)
07/02/2019	54	Motion to Expedite or Accelerate <i>Plaintiff's Motion to Compel Against Grande Ronde Defenders LLC</i> . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/02/2019)
07/02/2019	55	Declaration of <i>Counsel in Support of Plaintiff's Motion for Expedited Hearing re Plaintiff's Motion to Compel Against Grande Ronde Defenders LLC</i> . Filed by All Plaintiffs. (Related document(s): Motion to Expedite 54 .) (Rizzo, Steven) (Entered: 07/02/2019)
07/03/2019	56	ORDER: Motion to Substitute Guardian Ad Litem 49 is GRANTED. Michael Breiling is appointed as Guardian Ad Litem. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 07/03/2019)
07/10/2019	57	Motion to Quash <i>Subpoena</i> . Filed by Rick Dall. (Jagelski, Bruno) (Entered: 07/10/2019)
07/10/2019	58	Declaration of Zach Olson <i>in Support of Motion to Quash Subpoena</i> . Filed by Rick Dall. (Related document(s): Motion to Quash 57 .) (Jagelski, Bruno) (Entered: 07/10/2019)
07/10/2019	59	Declaration of Rick Dall <i>in Support of Motion to Quash Subpoena</i> . Filed by Rick Dall. (Related document(s): Motion to Quash 57 .) (Jagelski, Bruno) (Entered: 07/10/2019)
07/11/2019	60	Scheduling Order: Oral Argument regarding Motion to Compel <i>Against Grande Ronde Defenders LLC</i> 51 , Motion to Expedite or Accelerate <i>Plaintiff's Motion to Compel</i>

		<i>Against Grande Ronde Defenders LLC</i> 54 is set for 7/17/2019 at 03:30PM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 07/11/2019)
07/11/2019		Telephone conference call information for 7/17/19 hearing: Number: 888-675-2535 Access Code: 6085546 . (dsg) (Entered: 07/11/2019)
07/16/2019	61	Response to Motion to Compel <i>Against Grande Ronde Defenders LLC</i> 51 . Filed by Grande Ronde Defenders, LLC. (Xu, Xin) (Entered: 07/16/2019)
07/16/2019	62	Declaration of Xin Xu . Filed by Grande Ronde Defenders, LLC. (Related document(s): Response to Discovery Motion 61 .) (Xu, Xin) Modified on 7/17/2019 (dsg). (Entered: 07/16/2019)
07/17/2019	63	Reply to <i>Grande Ronde Defenders LLC Response to Motion to Compel Against Grande Ronde Defenders LLC</i> 51 . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/17/2019)
07/17/2019	64	Declaration of <i>Counsel in Support of Plaintiff's Reply to Grande Ronde Defenders LLC Response</i> . Filed by All Plaintiffs. (Related document(s): Reply to Motion 63 .) (Rizzo, Steven) (Entered: 07/17/2019)
07/17/2019	65	CORRECTED MINUTES of Proceedings: Motion hearing HELD before Magistrate Judge Patricia Sullivan. Motion to Expedite/Accelerate 54 is DENIED as MOOT. Motion to Compel 51 is DENIED at this time, with leave to refile if necessary. Motion to Quash 57 is pending. All attorneys shall confer about discovery and resolve issues as discussed on the record. Parties shall file a joint status report by 8/16/19. Mary Skjelset, Steven Rizzo present as counsel for plaintiffs. Katie Eichner present as counsel for Janie Burcart. Bruno Jagelski present as counsel for interested non-party Rick Dall. Xin Xu present as counsel for interested non-party Grande Ronde Defenders. (Court Reporter FTR-Pendleton.) (dsg) Modified on 7/18/2019 (dsg). (Entered: 07/17/2019)
07/24/2019	66	Unopposed Motion for Extension of Time to File a Response/Reply to Motion to Quash <i>Subpoena</i> 57 . Filed by All Plaintiffs. (Rizzo, Steven) (Entered: 07/24/2019)
07/24/2019	67	Declaration of <i>Steven Rizzo in Support of Plaintiff's Unopposed Motion for an Extension of Time to Respond to the Dall Motion to Quash</i> . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion 66 .) (Rizzo, Steven) (Entered: 07/24/2019)
07/29/2019	68	ORDER: Motion for Extension of Time to File Response to Motion to Quash <i>Subpoena</i> 57 is GRANTED. Response is due by 8/7/2019. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 07/29/2019)
07/29/2019	69	Unopposed Motion to Consolidate <i>Cases</i> . Filed by Janie Burcart. (Eichner, Katie) (Entered: 07/29/2019)
08/02/2019	70	ORDER: The Court GRANTS the Motions to Consolidate. These two actions are consolidated for purposes of discovery. The earliest filed case, A.F. v. Evans, No. 2:18-cv- 01404-SU, is designated the lead case for administrative control and case management, as to discovery. See L.R. 42-4(a). Pursuant to Local Rule 42-1, consolidation and case management of the consolidated discovery going forward will be governed by the principles set forth in The Manual for Complex Litigation (4th ed. 2004). Signed on 8/2/19 by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 08/02/2019)
08/07/2019	71	Notice re Motion to Quash(57 in 2:18-cv-01404-SU) <i>Withdrawal of Motion</i> Filed by Rick Dall. (Related document(s): Motion to Quash(57 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Jagelski, Bruno) (Entered: 08/07/2019)
08/07/2019	72	ORDER: The parties have notified the Court that the issued raised in the Motion to

		Quash 57 have been resolved. The Motion to Quash 57 is WITHDRAWN. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 08/07/2019)
08/12/2019	73	Motion for Protective Order . Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 08/12/2019)
08/12/2019	74	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Protective Order(73 in 2:18-cv-01404-SU, 15 in 2:19-cv-01056-SU).) (Attachments: # 1 Attachment Stipulated Protective Order)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 08/12/2019)
08/16/2019	75	Motion for Extension of Time <i>to File the August 16, 2019 Joint Status Report</i> . Filed by A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 08/16/2019)
08/16/2019	76	Declaration of <i>Steven Rizzo in Support of Plaintiff A.F.'s Motion to Extend Time to File the August 16, 2019 Joint Status Report</i> . Filed by A. F.. (Related document(s): Motion for Extension of Time(75 in 2:18-cv-01404-SU, 21 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 08/16/2019)
08/20/2019	77	ORDER: Motion for Extension of Time 75 in case 2:18-cv-01404-SU is GRANTED. Joint Status Report is due by 8/30/2019. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 08/20/2019)
08/30/2019	78	Joint Status Report . Filed by A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 08/30/2019)
09/06/2019	79	Joint Status Report . Filed by E F. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 09/06/2019)
09/06/2019	80	Amended Joint Status Report . Filed by E F. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 09/06/2019)
09/09/2019	81	Amended Joint Status Report (<i>2nd Amended</i>). Filed by E F. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 09/09/2019)
09/16/2019	82	Scheduling Order by Magistrate Judge Patricia Sullivan. Rule 16 Conference is set for 9/17/2019 at 03:15PM by telephone before Magistrate Judge Patricia Sullivan. Local Rules 16-2(b) and 26-1(a)(b) require that counsel confer prior to the conference. At the conference, counsel should be prepared to discuss the status of the case, relevant dates and deadlines, and any other significant issues. If consents are going to be filed, it is helpful if they are filed prior to the time of the conference, particularly if a firm trial date is desired. Ordered by Magistrate Judge Patricia Sullivan.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/16/2019)
09/16/2019		Telephone conference call information for 9/17/19 hearing: Number: 888-675-2535 Access Code: 6085546 . Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/16/2019)
09/17/2019	83	MINUTES of Proceedings: Rule 16 Conference HELD before Magistrate Judge Patricia Sullivan. Amended Complaint is due 12/2/2019. Consent to Jurisdiction by a Magistrate Judge, if any, is to be filed by 3/2/2020. Discovery is to be completed by 3/2/2020. Joint Alternate Dispute Resolution Report is due by 4/1/2020. Exchange of Expert Witness Statements must be completed by 4/1/2020. Expert Discovery to be completed by 5/1/2020. Dispositive Motions are due by 6/1/2020. Pretrial Order is due 30 days after the Court's on Dispositive Motions or by 7/1/2020 if no Dispositive Motions are filed. Mary Skjelset, Steven Rizzo, Caitlin Mitchell present as counsel for plaintiffs. Jill Schneider, Katie Eichner present as counsel for defendants. Court Reporter: FTR-Pendleton. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/17/2019)

09/20/2019	84	Notice of Appearance of Jill Schneider appearing on behalf of DHS Department of Human Services, Christopher Evans, Krista Turner, Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner Filed by on behalf of DHS Department of Human Services, Christopher Evans, Krista Turner, Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Schneider, Jill) (Entered: 09/20/2019)
11/27/2019	85	Motion for Extension of Time . Filed by E F. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) Modified on 12/3/2019 to correct event (sb). (Entered: 11/27/2019)
11/27/2019	86	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Extension of Time(32 in 2:19-cv-01056-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 11/27/2019)
12/02/2019	87	ORDER: Motion for Extension of Time 85 in case 2:18-cv-01404-SU and 32 in case 2:19-cv-1065-SU is GRANTED. Amended Complaint is due 12/20/2019. Consent to Jurisdiction by a Magistrate Judge, if any, is to be filed by 3/20/2020. Discovery is to be completed by 4/1/2020. Joint Alternate Dispute Resolution Report is due by 5/1/2020. Expert Discovery to be completed by 6/1/2020. Dispositive Motions are due by 7/1/2020. Pretrial Order is due 30 days after the Court's ruling on Dispositive Motions or by 8/3/2020 if no Dispositive Motions are filed. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 12/02/2019)
12/19/2019	88	Motion for Extension of Time . Filed by E F. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 12/19/2019)
12/19/2019	89	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Extension of Time(36 in 2:19-cv-01056-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 12/19/2019)
12/23/2019	90	ORDER: Motion for Extension of Time 88 in case 2:18-cv-01404-SU and 36 in case 2:19-cv-1056-SU. Amended Complaint is due 12/30/2019. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 12/23/2019)
12/30/2019	91	Unopposed Motion for Extension of Time <i>to file Amended Pleadings</i> . Filed by A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) Modified on 12/31/2019 to correct docket text (jn). (Entered: 12/30/2019)
12/30/2019	92	Declaration of <i>Mary Skjelset in Support of Plaintiff A.F.'s Unopposed Motion to Extend Time</i> . Filed by A. F.. (Related document(s): Motion for Extension of Time(39 in 2:19-cv-01056-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 12/30/2019)
01/02/2020	93	ORDER: Motion for Extension of Time 91 in case 2:18-cv-01404-SU and 39 in case 2:19-cv-01056-SU is GRANTED. Amended Complaint is due 1/3/2020. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 01/02/2020)
01/03/2020	94	Unopposed Motion for Leave to File Amended Complaint/Petition . Filed by Michael Breiling, A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/03/2020)
01/03/2020	95	Declaration of <i>Steven Rizzo in Support of Plaintiff A.F.'s Unopposed Motion to File Amended Complaint</i> . Filed by Michael Breiling, A. F.. (Related document(s): Motion for Leave to File Amended Complaint/Petition(42 in 2:19-cv-01056-SU, 94 in 2:18-cv-

		01404-SU). Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/03/2020)
01/03/2020	96	Unopposed Motion for Leave to File Amended Complaint/Petition . Filed by E F. (Attachments: # 1 Exhibit) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Middleton, Jennifer) (Entered: 01/03/2020)
01/03/2020	97	Motion to Compel <i>the Deposition of Victoria Moffet</i> . Oral Argument requested. Filed by Michael Breiling, A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/03/2020)
01/03/2020	98	Declaration of <i>Mary Skjelset in Support of Plaintiff A.F.'s Motion to Compel the Deposition of Victoria Moffet</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by Michael Breiling, A. F.. (Related document(s): Motion to compel(45 in 2:19-cv-01056-SU, 97 in 2:18-cv-01404-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) Modified on 1/7/2020 to add links to related entry (sb). (Entered: 01/03/2020)
01/03/2020	99	Motion to Compel <i>Directed to Dean Gushwa and Mary Melton</i> . Oral Argument requested. Filed by Michael Breiling, A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/03/2020)
01/03/2020	100	Declaration of <i>Steven Rizzo in Support of Plaintiff A.F.'s Motion to Compel Directed to Dean Gushwa and Mary Melton</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by Michael Breiling, A. F.. (Related document(s): Motion to compel(47 in 2:19-cv-01056-SU, 99 in 2:18-cv-01404-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/03/2020)
01/13/2020	101	Motion for Protective Order . Filed by Janie Burcart, Janie Burcart. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Eichner, Katie) (Entered: 01/13/2020)
01/13/2020	102	Declaration of Nikola Lyn Jones . Filed by Janie Burcart, Janie Burcart. (Related document(s): Motion for Protective Order(49 in 2:19-cv-01056-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Eichner, Katie) (Entered: 01/13/2020)
01/15/2020	103	ORDER: Status Conference is set for 1/16/2020 at 02:00PM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 01/15/2020)
01/15/2020		Telephone conference call information for 1/16/2020 hearing: Number: 888-675-2535 Access Code: 6085546 Please use a land line connection without external noise and refrain from using a speaker phone. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 01/15/2020)
01/15/2020	104	Response to Motion for Protective Order (49 in 2:19-cv-01056-SU) Oral Argument requested. Filed by Michael Breiling, A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/15/2020)
01/15/2020	105	Declaration of <i>Steven Rizzo in Support of A.F.'s Response to Burcart's Motion for Protective Order re Scheduling of Her Deposition</i> . Filed by Michael Breiling, A. F.. (Related document(s): Response to Motion(52 in 2:19-cv-01056-SU, 104 in 2:18-cv-01404-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/15/2020)
01/16/2020	106	MINUTES of Proceedings: Status Conference HELD before Magistrate Judge Patricia Sullivan. Motion for Leave to File Amended Complaint 94 and Motion for Leave to File Amended Complaint 96 in case 2:18-cv-01404-SU are GRANTED. Motion for a Protective Order 101 in case 2:18-cv-01404-SU is DENIED as MOOT. Motion for Leave to File Amended Complaint 42 and Motion for Leave to File Amended Complaint 44 in

EXHIBIT 4

		<p>case 2:19-cv-01056-SU are GRANTED. Motion for a Protective Order 49 in case 2:19-cv-01056-SU is DENIED as MOOT.</p> <p>Parties agreed to schedule defendant Burcart's deposition on 2/18/2020. The initial deposition can last up to 7 hours, if further time is needed the parties will continue at a later date up to 7 hours. As discussed on the record, defendant Burcart shall produce all records with regard to plaintiffs' case including phone records and all records that relate to Mr. Campbell and any information on any devices to the extent that the information can be extracted. These records shall be provided two weeks before the deposition.</p> <p>Mary Skjelset, Steven Rizzo, Caitlin Van Tassel Mitchell present as counsel for plaintiffs. James Smith, Nikola Jones, Katie Eichner, Zach Olsen present as counsel for defendants. (Court Reporter FTR-9B.) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU(dsg) (Entered: 01/16/2020)</p>
01/17/2020	107	Response to Motion to Compel <i>the Deposition of Victoria Moffet</i> (45 in 2:19-cv-01056-SU, 97 in 2:18-cv-01404-SU) Oral Argument requested. Filed by Victoria Moffet.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Steele, Nathan) (Entered: 01/17/2020)
01/17/2020	108	Response <i>Declaration</i> to Motion to Compel <i>the Deposition of Victoria Moffet</i> (45 in 2:19-cv-01056-SU, 97 in 2:18-cv-01404-SU). Filed by Victoria Moffet. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Steele, Nathan) (Entered: 01/17/2020)
01/17/2020	109	First Amended Complaint . Filed by Michael Breiling, A. F. against Janie Burcart, Rick Dall, Jane or John Doe 1-5, Christopher Evans, Oregon Department of Human Services (DHS), Krista Turner, Susan Lemon. (Rizzo, Steven) (Entered: 01/17/2020)
01/17/2020	110	Response to Motion to Compel <i>Directed to Dean Gushwa and Mary Melton</i> (99 in 2:18-cv-01404-SU, 47 in 2:19-cv-01056-SU) Oral Argument requested. Filed by Dean Gushwa, Mary Melton.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (eo) (Entered: 01/18/2020)
01/17/2020	111	Declaration of Mary Melton in Support of Response to Motion to Compel. Filed by Mary Melton. (Related document(s): Response to Motion(110 in 2:18-cv-01404-SU, 57 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (eo) (Entered: 01/18/2020)
01/23/2020	112	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge. (Entered: 01/23/2020)
01/28/2020	113	Transcript Designation and Order Form for the hearing held on 1/16/20 before Judge Sullivan. Court Reporter: Jill Jessup. Tape Number: FTR-9B. . Filed by Michael Breiling, A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/28/2020)
01/30/2020	114	Reply to Motion to Compel <i>the Deposition of Victoria Moffet</i> (45 in 2:19-cv-01056-SU, 97 in 2:18-cv-01404-SU) Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/30/2020)
01/30/2020	115	Declaration of <i>Steven Rizzo in Support of A.F.'s Reply to Moffet's Response to Motion to Compel</i> . Filed by Michael Breiling, A. F.. (Related document(s): Reply to Motion, (65 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/30/2020)
01/30/2020	116	Motion for Leave to <i>File Reply to Moffet's Response to Motion to Compel</i> . Oral

		Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/30/2020)
01/30/2020	117	Declaration of <i>Steven Rizzo in Support of Motion for Leave to Reply to Moffet's Response to Motion to Compel</i> . Filed by Michael Breiling, A. F.. (Related document(s): Motion for Leave(67 in 2:19-cv-01056-SU, 116 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/30/2020)
01/31/2020	118	Motion to withdraw re Declaration, (115 in 2:18-cv-01404-SU), Reply to Motion, (114 in 2:18-cv-01404-SU) of <i>Withdrawal</i> Filed by Michael Breiling, A. F.. (Related document(s): Declaration, (115 in 2:18-cv-01404-SU), Reply to Motion, (114 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) Modified on 1/31/2020 to change document to a motion(cw). (Entered: 01/31/2020)
01/31/2020	119	Motion for Leave to <i>Reply to Gushwa/Melton's Response to Motion to Compel</i> . Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/31/2020)
01/31/2020	120	Declaration of <i>Steven Rizzo in Support of A.F.'s Unopposed Motion for Leave to Reply to Gushwa/Melton's Response to Motion to Compel</i> . Filed by Michael Breiling, A. F.. (Related document(s): Motion for Leave(119 in 2:18-cv-01404-SU, 70 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 01/31/2020)
01/31/2020	121	Answer to (109 in 2:18-cv-01404-SU) Amended Complaint . Filed by Oregon Department of Human Services (DHS), Krista Turner, Christopher Evans.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) Modified on 2/3/2020 to add link to related entry(sb). (Main Document 121 replaced on 2/3/2020) (cw). (Entered: 01/31/2020)
01/31/2020	122	Answer to (109 in 2:18-cv-01404-SU) Amended Complaint with Jury Demand . Filed by Janie Burcart.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Eichner, Katie) Modified on 2/3/2020 to add link to related entry (sb). (Entered: 01/31/2020)
02/03/2020	123	Notice of Correction by Clerk regarding (121 in 2:18-cv-01404-SU) Answer to Amended Complaint,. A Clerical error has been discovered in the case record: The incorrect PDF was attached. The following corrections were made to the record: A corrected PDF has been uploaded and has replaced the incorrect attachment.The Notice of Electronic Filing will be regenerated to all parties.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cw) (Entered: 02/03/2020)
02/06/2020	124	Response of <i>Victoria Moffet</i> to Motion for Leave to <i>File Reply to Moffet's Response to Motion to Compel</i> (116 in 2:18-cv-01404-SU, 67 in 2:19-cv-01056-SU) Oral Argument requested. Filed by Victoria Moffet.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Steele, Nathan) (Entered: 02/06/2020)
02/06/2020	125	Declaration of Nathan G. Steele in <i>Support of Victoria Moffet's Response in Opposition to A.F.'s Motion for Leave to Reply to Moffet's Response to Motion to Compel</i> . Filed by Victoria Moffet. (Related document(s): Response to Motion, (75 in 2:19-cv-01056-SU, 124 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Steele, Nathan) (Entered: 02/06/2020)
02/07/2020	126	Motion to Compel . Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 02/07/2020)
02/07/2020	127	Motion to Compel . Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 02/07/2020)
02/12/2020	128	ORDER: Motion for Leave 116 , Motion to Withdraw 118 and Motion for Leave 119 in

		case 2:18-cv-01404-SU are GRANTED. Motion for Leave 67 and Motion for Leave 70 in case 2:19-cv-01056-SU are GRANTED. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 02/12/2020)
02/13/2020	129	Reply to Motion to Compel <i>Directed to Dean Gushwa and Mary Melton</i> (47 in 2:19-cv-01056-SU, 99 in 2:18-cv-01404-SU) Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 02/13/2020)
02/13/2020	130	Reply to Motion to Compel <i>the Deposition of Victoria Moffet</i> (45 in 2:19-cv-01056-SU, 97 in 2:18-cv-01404-SU) Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 02/13/2020)
02/13/2020	131	Declaration of <i>Steven Rizzo in Support of A.F.'s Reply to Moffet's Response to Motion to Compel</i> . Filed by Michael Breiling, A. F.. (Related document(s): Reply to Motion, (84 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 02/13/2020)
02/19/2020	132	ORDER: Oral Argument is set for 3/18/2020 at 11:00AM in Pendleton before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 02/19/2020)
02/27/2020	133	Motion for Leave <i>to file surreply in opposition to plaintiff's motion to compel</i> . Filed by Dean Gushwa, Mary Melton. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Pollino, John) (<i>Related document(s): Motion to Compel #127 in 2:18-cv-01404-SU and #84 2:19-cv-01056-SU</i>) Modified on 3/3/2020 to add reference and links to related entries (sb). (Entered: 02/27/2020)
02/27/2020	134	Scheduling Order: Status Conference is set for 2/28/2020 at 11:00AM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 02/27/2020)
02/27/2020		Telephone conference call information for 2/28/2020 hearing: Number: 888-675-2535 Access Code: 6085546 Please use a land line connection without external noise and refrain from using a speaker phone. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 02/27/2020)
02/28/2020	135	MINUTES of Proceedings: Status Conference HELD before Magistrate Judge Patricia Sullivan. Parties are ordered to Settlement Conference with Judge Michael McShane. Parties shall contact Judge McShane's courtroom deputy Charlene Pew at 541-431-4105 to schedule the settlement conference. Depositions scheduled in La Grande next week shall proceed, all other discovery is stayed pending settlement conference. Oral Argument set for 3/18/2020 at 11:00am has been STRICKEN. Mary Skjelset, Steven Rizzo, Jennifer Middleton present as counsel for plaintiffs. James Smith, Katie Eichner, Bruno Jagelski present as counsel for defendants. Court Reporter: FTR-11A. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 02/28/2020)
03/02/2020	136	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge. (Entered: 03/02/2020)
03/02/2020	137	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge. (Entered: 03/02/2020)
03/02/2020	138	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge. (Entered: 03/02/2020)
03/04/2020	139	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge. (Entered: 03/04/2020)
03/11/2020	140	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge. (Entered: 03/11/2020)

03/12/2020	141	Answer to (109 in 2:18-cv-01404-SU) Amended Complaint with Jury Demand . Filed by Rick Dall.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Jagelski, Bruno) (Entered: 03/12/2020)
04/16/2020	142	Scheduling Order by Judge Michael J. McShane. Scheduling Conference is set for 4/20/2020 at 09:00AM by telephone before Judge Michael J. McShane. The Court needs only one representative for each party to be on the conference call. The Court will provide the parties with the conference call-in number by separate email. Ordered by Judge Michael J. McShane.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 04/16/2020)
04/16/2020	143	AMENDED Scheduling Order by Judge Michael J. McShane. Scheduling Conference is set for 4/20/2020 at 10:30AM by telephone before Judge Michael J. McShane. The Court needs only one representative for each party to be on the conference call. The Court will provide the parties with the conference call-in number by separate email. Ordered by Judge Michael J. McShane. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 04/16/2020)
04/16/2020		Telephone conference call information for 4/20/2020 hearing: Number: 888-675-2535 Access Code: 6085546 . Please use a land line connection without external noise and refrain from using a speaker phone. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 04/16/2020)
04/16/2020		CORRECTED Telephone conference call information for 4/20/2020 hearing: Number: 877-336-1831 Access Code: 8182433 . Please use a land line connection without external noise and refrain from using a speaker phone. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 04/16/2020)
04/20/2020	144	MINUTES of Proceedings: Scheduling Conference held. The parties are to confer with their clients and advise the Court if they want to appear by telephone or video conference for the May 13, 2020 Settlement Conference. Steven V. Rizzo and Jennifer Middleton present as counsel for plaintiffs. James Smith and Bruno Jagelski present as counsel for defendants. Judge Michael J. McShane presiding. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 04/22/2020)
04/22/2020	145	Scheduling Order by Judge Michael J. McShane. Settlement Conference is set for 5/13/2020 at 09:00AM in Eugene by telephone before Judge Michael J. McShane. The parties are to email instructions on how the court is to contact each party and their client along with their settlement documents. Presence of all parties with settlement authority is required. This includes anyone who will have input on the decision of whether or not to settle the case, such as a spouse, parent, or any other adviser who may be relied on for advice. Parties are ordered to submit a Settlement Document to the Court by 5:00PM on 5/7/2020, in which they make realistic proposals of what they are willing to offer or accept to resolve this case. PLEASE SEE ATTACHED INSTRUCTIONS REGARDING THE SETTLEMENT DOCUMENT. Ordered by Judge Michael J. McShane.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 04/22/2020)
05/13/2020	146	MINUTES of Proceedings: Settlement Conference held. Case does not settle. Steve Rizzo, Mary Skjelset, Caitlin Mitchell and Jennifer Middleton present as counsel for plaintiffs. William Earl, Madeleine Campbell, Nikola Jones, Rick Dall, Bruno Jagelski, and James Smith present as counsel for defendants. Judge Michael J. McShane presiding. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 05/26/2020)
06/16/2020	147	Scheduling Order: Status Conference is set for 6/16/2020 at 02:00PM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 06/16/2020)

06/16/2020		Telephone conference call information for 6/16/2020 hearing: Number: 888-675-2535 Access Code: 6085546 . Please use a land line connection without external noise and refrain from using a speaker phone. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 06/16/2020)
06/16/2020	148	Full Consent by all Parties to Jurisdiction by US Magistrate Judge. (dsg) (Entered: 06/16/2020)
06/16/2020	149	MINUTES of Proceedings: Status Conference HELD before Magistrate Judge Patricia Sullivan. Depositions will occur in person in La Grande no later than July 24th. Mr. Smith will appear by video. Discovery is to be completed by 7/31/2020. Dispositive Motions are due by 8/31/2020. Oral Argument is set for 11/17/2020 at 01:30PM in Pendleton before Magistrate Judge Patricia Sullivan. Steve Rizzo, Mary Skjelset, Caitlin Mitchell present as counsel for plaintiff(s). James Smith, Katie Eichner, for defendant(s). Mary Meuse present as counsel for non-party. Court Reporter: None. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 06/16/2020)
07/20/2020	150	Motion to Quash <i>Objection to Subpoena Issued to Union County Circuit Court Juvenile Department</i> . Filed by Union County Circuit Court.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Van Meter, Heather) (Entered: 07/20/2020)
07/31/2020	151	Unopposed Motion for Extension of Time <i>for Discovery Cut-Off and Dispositive Motion Deadline</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 07/31/2020)
07/31/2020	152	Declaration of James S. Smith <i>in Support of Unopposed Motion to Extend the Discovery Cut-Off and Dispositive Motion Deadline</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Motion for Extension of Time, (102 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 07/31/2020)
08/03/2020	153	ORDER: Motion for Extension of Time (151) in case 2:18-cv-01404-SU is GRANTED. Discovery is to be completed by 8/31/2020. Dispositive Motions are due by 9/30/2020. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 08/03/2020)
08/03/2020	155	Exhibit 4 re Motion to to Determine Privilege 154 . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by E.F. (dsg) (Entered: 08/12/2020)
08/03/2020	156	Declaration of Caitlin V. Mitchell. Filed by E F. (Related document(s): Motion - Miscellaneous 154 .) (dsg) (Entered: 08/12/2020)
08/17/2020	157	Response to Motion 154 in 2:18-cv-01404-SU), Motion <i>to Determine Privilege</i> 105 in 2:19-cv-01056-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) Modified to correct linkage on 8/26/2020 (png). (Entered: 08/17/2020)
08/17/2020	158	Declaration of James S. Smith <i>in Support of Opposition to Motion to Determine Privilege</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Response to Motion, (109 in 2:19-cv-01056-SU, 157 in 2:18-cv-01404-SU).) (Attachments: # 1 Exhibit Exhibit

		1)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 08/17/2020)
08/17/2020	159	Declaration of Amy Hall <i>in Opposition to Plaintiff E.F.'s Motion to Determine Privilege</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Response to Motion, (157 in 2:18-cv-01404-SU, 109 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 08/17/2020)
08/21/2020	160	Reply to Motion <i>to Determine Privilege</i> (105 in 2:19-cv-01056-SU). Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 08/21/2020)
08/28/2020	162	Motion for Settlement <i>with Defendants Burcart and Dall</i> . Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 08/28/2020)
08/28/2020	163	Declaration of Steven Rizzo <i>in Support of A.F.'s Motion to Approve the Settlement with Defendants Burcart and Dall</i> . Filed by A. F.. (Related document(s): Motion for Settlement(162 in 2:18-cv-01404-SU, 114 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 08/28/2020)
08/28/2020	164	Declaration of Michael Breiling <i>in Support of A.F.'s Motion to Approve the Settlement with Defendants Burcart and Dall</i> . Filed by Michael Breiling, A. F.. (Related document(s): Motion for Settlement(162 in 2:18-cv-01404-SU, 114 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 08/28/2020)
08/31/2020	165	Unopposed Motion for Extension of Time . Filed by A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) Modified on 9/3/2020 to correct filing event (sb). (Entered: 08/31/2020)
08/31/2020	166	Declaration of Steven Rizzo <i>in Support of A.F.'s Unopposed Motion to Extend the Discovery and Dispositive Deadlines</i> . Filed by A. F.. (Related document(s): Motion for Extension of Time(165 in 2:18-cv-01404-SU, 117 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 08/31/2020)
09/01/2020	167	ORDER: Motion for Extension of Time 165 in case 2:18-cv-01404-SU is GRANTED. Discovery is to be completed by 9/18/2020. Dispositive Motions are due by 10/19/2020. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/01/2020)
09/09/2020	168	Scheduling Order: Status Conference is set for 9/14/2020 at 02:00PM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/09/2020)
09/09/2020		Telephone conference call information for 9/14/2020 hearing: Number: 888-675-2535 Access Code: 6085546 . Please use a land line connection without external noise and refrain from using a speaker phone. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/09/2020)
09/14/2020	169	MINUTES of Proceedings: Status Conference HELD before Magistrate Judge Patricia Sullivan. Parties shall proceed as discussed on the record. Motion to Compel 97 in case 2:18-cv-01404-SU and 45 in case 2:19-cv-01056-SU is DENIED as MOOT. Motion to Compel 126 in case 2:18-cv-01404-SU and 77 in case 2:19-cv-01056-SU is DENIED as MOOT. Motion to Quash 150 in case 2:18-cv-01404-SU and 101 in case 2:19-cv-01056-

		SU is DENIED as MOOT. Oral Argument is set for 10/1/2020 at 02:00PM by telephone before Magistrate Judge Patricia Sullivan. Oral Argument regarding dispositive motions is set for 1/19/2021 at 02:00PM in Pendleton before Magistrate Judge Patricia Sullivan in case 2:18-cv-01404-SU. Mary Skjelset, Steven Rizzo, Caitlin Mitchel present as counsel for plaintiffs. James Smith, Katie Eichner, Bruno Jagelski, present as counsel for defendants. Chantal Guzman-Schlager present as counsel. (Court Reporter Bonita Shumway.) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU(dsg) (Entered: 09/14/2020)
09/14/2020		Telephone conference call information for 10/1/2020 hearing: Number: 888-675-2535 Access Code: 6085546 . Please use a land line connection without external noise and refrain from using a speaker phone. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/14/2020)
09/21/2020	170	ORDER: Motion to Compel 99 ; Motion to Compel 127 ; and Motion for Leave 133 in case 2:18-cv-01404-SU are DENIED as MOOT. Motion to Compel 47 ; Motion to Compel 78 ; and Motion for Leave 87 in case 2:19-cv-01056-SU are DENIED as MOOT. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/21/2020)
09/22/2020	171	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephone Status Conference held on 9/14/2020 before Judge Patricia Sullivan, Court Reporter Bonita J. Shumway, telephone number 503-326-8188 or bonita_shumway@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER. See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 9/29/2020. Redaction Request due 10/13/2020. Redacted Transcript Deadline set for 10/23/2020. Release of Transcript Restriction set for 12/21/2020. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Shumway, Bonita) (Entered: 09/22/2020)
09/28/2020	172	ORDER: Granting Motion to Approve Settlement (162) in case 2:18-cv-01404-SU. Ordered by Judge Michael J. McShane. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 09/28/2020)
09/30/2020	173	Joint Motion to Dismiss <i>For Order and Judgment of Dismissal with Prejudice as to Defendants Burcart and Dall</i> . Filed by Richard Dall, Janie Burcart. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Jagelski, Bruno) (Entered: 09/30/2020)
09/30/2020	174	Motion for Leave to File Amended Complaint/Petition . Filed by A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 09/30/2020)
09/30/2020	175	Declaration of <i>Steven Rizzo in Support of A.F.'s Motion to File Second Amended Complaint</i> . Filed by A. F.. (Related document(s): Motion for Leave to File Amended Complaint/Petition(174 in 2:18-cv-01404-SU, 126 in 2:19-cv-01056-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 09/30/2020)
10/01/2020	176	MINUTES of Proceedings: Telephonic Motion Hearing Held regarding Motion to Determine Privilege(105 in 2:19-cv-01056-SU.) The Court will issue a formal opinion and order setting forth the ruling as stated on the record. Steven Rizzo, Mary Skjelset, present as counsel for Plaintiff AF; Caitlin Van Tassel Mitchell, Jennifer Middleton present as counsel for Plaintiff EF. James Smith present as counsel for State Defendants. (Court Reporter Ryan White.)Magistrate Judge Patricia Sullivan presiding. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU(cw) (Entered: 10/01/2020)
10/06/2020	177	Scheduling Order: Status Conference is set for 10/9/2020 at 11:00AM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia

		Sullivan.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 10/06/2020)
10/06/2020		Access information for the 10/9/2020 hearing by telephone conference: Telephone Number: 571-353-2300 , Conference ID: 227-289-027# , Access Code: 1996# . If calling in, please use a land line connection without external noise and refrain from using a speaker phone. Note: There will be several parties connecting remotely including the court reporter. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking to reduce background noise. If dropped from the conference, please rejoin the conference and state your name after reconnecting. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) Modified on 10/6/2020 (dsg). (Entered: 10/06/2020)
10/06/2020	178	OPINION AND ORDER: The Court concludes that the DHS Defendants have waived privilege for the documents submitted under seal as Exhibit 4 to the Mitchell Declaration, AF-PROD 11232-11248. This waiver does not extend to any other privileged documents, including documents of the same type. Notwithstanding the waiver of privilege, the material contained in Exhibit 4 of the Mitchell Declaration remains subject to the terms of the applicable protective orders concerning confidentiality. Signed on 10/6/2020 by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 10/06/2020)
10/09/2020	179	MINUTES of Proceedings: Status Conference HELD before Magistrate Judge Patricia Sullivan. Parties shall proceed as discussed on the record. Steve Rizzo, Mary Skjelset, Caitlin Mitchell present as counsel for plaintiffs. James Smith, Zach Olson, Katie Eichner present as counsel for defendants. Court Reporter: Bonita Shumway. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 10/09/2020)
10/09/2020	180	ORDER OF DISMISSAL: Plaintiffs agreed to release all claims against Burcart and Dall and entered into covenants not to sue further. The settlement agreement was approved by Judge McShane on September 28, 2020 172 . Consistent with that agreement, the Court GRANTS Burcart and Dall's Motion, 173 , and all claims against Defendants Burcart and Dall are hereby DISMISSED with prejudice. Signed on 10/9/2020 by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 10/09/2020)
10/14/2020	181	Response in Opposition to Motion for Leave to File Amended Complaint/Petition (174 in 2:18-cv-01404-SU, 126 in 2:19-cv-01056-SU, 126 in 2:19-cv-01056-SU, 174 in 2:18-cv-01404-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 10/14/2020)
10/19/2020	182	Motion for Partial Summary Judgment . Oral Argument requested. Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 10/19/2020)
10/19/2020	183	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Partial Summary Judgment(134 in 2:19-cv-01056-SU).) (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit, # 16 Exhibit, # 17 Exhibit, # 18 Exhibit)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) Modified on 11/3/2020 (dsg). (Entered: 10/19/2020)
10/19/2020	184	Exhibits #4 to Mitchell Decl. re Motion for Partial Summary Judgment (134 in 2:19-cv-01056-SU). (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE

		(ORDER) Filed by E F. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 10/19/2020)
10/19/2020	185	Motion for Partial Summary Judgment . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 10/19/2020)
10/19/2020	186	Declaration of Christopher Evans <i>in Support of State Defendants' Partial Motion for Summary Judgment.</i> (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Motion for Partial Summary Judgment, (137 in 2:19-cv-01056-SU).) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 10/19/2020)
10/19/2020	187	Declaration of Susan Lemon <i>in Support of State Defendants' Partial Motion for Summary Judgment.</i> (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Motion for Partial Summary Judgment, (185 in 2:18-cv-01404-SU, 137 in 2:19-cv-01056-SU).) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 10/19/2020)
10/19/2020	188	Unopposed Motion <i>to File Two Separate Summary Judgment Motions.</i> Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/19/2020)
10/19/2020	189	Declaration of Steven Rizzo <i>in Support of A.F.'s Motion to File Two Separate Summary Judgment Motions.</i> Filed by Michael Breiling, A. F.. (Related document(s): Motion - Miscellaneous(188 in 2:18-cv-01404-SU, 140 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/19/2020)
10/19/2020	190	Motion for Partial Summary Judgment <i>Against the State Defendants' First Affirmative Defense.</i> Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/19/2020)
10/19/2020	191	Declaration of Steven Rizzo <i>in Support of A.F.'s Motion for Partial Summary Judgment Against the state Defendants' First Affirmative Defense.</i> Filed by Michael Breiling, A. F.. (Related document(s): Motion for Partial Summary Judgment(142 in 2:19-cv-01056-SU, 190 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/19/2020)
10/19/2020	192	Motion for Partial Summary Judgment <i>Against the State Defendants' Second and Fourth Affirmative Defenses.</i> Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/19/2020)
10/19/2020	193	Declaration of Steven Rizzo <i>in Support of Plaintiff A.F.'s Motion for Partial Summary Judgment Against the State Defendants' Second and Fourth Affirmative Defenses.</i> (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by Michael Breiling, A. F.. (Related document(s): Motion for Partial Summary Judgment(144 in 2:19-cv-01056-SU, 192 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/19/2020)

10/20/2020	194	Corrected Motion for Partial Summary Judgment <i>Against the State Defendants' Second and Fourth Affirmative Defenses</i> . Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/20/2020)
10/20/2020	195	Reply to <i>State Defendants' Opposition</i> to Motion for Leave to File Amended Complaint/Petition (174 in 2:18-cv-01404-SU, 126 in 2:19-cv-01056-SU). Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 10/20/2020)
11/05/2020	196	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephone Status Conference held on 10/9/2020 before Judge Patricia Sullivan, Court Reporter Bonita J. Shumway, telephone number (503)326-8188 or bonita_shumway@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER. See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 11/12/2020. Redaction Request due 11/30/2020. Redacted Transcript Deadline set for 12/7/2020. Release of Transcript Restriction set for 2/3/2021. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Shumway, Bonita) (Entered: 11/05/2020)
11/06/2020	197	Joint Motion for Extension of Time . Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 11/06/2020)
11/06/2020	198	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Extension of Time(149 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 11/06/2020)
11/12/2020	199	ORDER: Motion for Extension of Time (197) in case 2:18-cv-01404-SU in case 2:19-cv-01056-SU is GRANTED. Responses to Dispositive Motions are due by 11/12/2020. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 11/12/2020)
11/12/2020	200	Response in Opposition to Motion for Partial Summary Judgment (185 in 2:18-cv-01404-SU, 137 in 2:19-cv-01056-SU) Oral Argument requested. Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) Modified on 11/17/2020 to remove duplicate docket text language (sb). (Entered: 11/12/2020)
11/12/2020	201	Declaration of E.F. . Filed by E F. (Related document(s): Response in Opposition to Motion, (152 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 11/12/2020)
11/12/2020	202	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Response in Opposition to Motion, (152 in 2:19-cv-01056-SU).) (Attachments: # 1 Exhibit one, # 2 Exhibit two, # 3 Exhibit three)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 11/12/2020)
11/12/2020	203	Response to Motion for Partial Summary Judgment (182 in 2:18-cv-01404-SU, 134 in 2:19-cv-01056-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 11/12/2020)
11/12/2020	204	Response to Motion for Partial Summary Judgment <i>Against the State Defendants' First Affirmative Defense</i> (190 in 2:18-cv-01404-SU, 142 in 2:19-cv-01056-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista

		Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 11/12/2020)
11/12/2020	205	Response to Motion for Partial Summary Judgment <i>Against the State Defendants' Second and Fourth Affirmative Defenses</i> (192 in 2:18-cv-01404-SU, 144 in 2:19-cv-01056-SU), Corrected Motion for Partial Summary Judgment <i>Against the State Defendants' Second and Fourth Affirmative Defenses</i> (194 in 2:18-cv-01404-SU, 146 in 2:19-cv-01056-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 11/12/2020)
11/12/2020	206	Unopposed Motion for Extension of Time to File a Response/Reply to Motion for Partial Summary Judgment (137 in 2:19-cv-01056-SU). Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 11/12/2020)
11/12/2020	207	Declaration of <i>Steven Rizzo in Support of A.F.'s Unopposed Motion to Extend Time to Response to the State Defendants' Partial Motion for Summary Judgment</i> . Filed by Michael Breiling, A. F.. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion, (206 in 2:18-cv-01404-SU, 158 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 11/12/2020)
11/12/2020	208	Response to Motion for Partial Summary Judgment (182 in 2:18-cv-01404-SU, 134 in 2:19-cv-01056-SU) Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 11/12/2020)
11/12/2020	209	Declaration of <i>Steven Rizzo in Support of Plaintiff A.F.'s Response to State Defendants' Partial Motion for Summary Judgment re Qualified Immunity</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by Michael Breiling, A. F.. (Related document(s): Response to Motion(160 in 2:19-cv-01056-SU, 208 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 11/12/2020)
11/13/2020	210	ORDER: Motion for Extension of Time to File Response in case 2:18-cv-01404-SU is GRANTED. A.F.'s response is accepted as timely filed. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 11/13/2020)
11/25/2020	211	Reply to Motion for Partial Summary Judgment (134 in 2:19-cv-01056-SU). Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 11/25/2020)
11/25/2020	212	Reply to Motion for Partial Summary Judgment <i>Against the State Defendants' First Affirmative Defense</i> (142 in 2:19-cv-01056-SU, 190 in 2:18-cv-01404-SU) Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 11/25/2020)
11/27/2020	213	Reply to Corrected Motion for Partial Summary Judgment <i>Against the State Defendants' Second and Fourth Affirmative Defenses</i> (146 in 2:19-cv-01056-SU, 194 in 2:18-cv-01404-SU) Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 11/27/2020)
11/27/2020	214	Declaration of <i>Steven Rizzo in Support of A.F.'s Reply to State Defendants' Response to Partial Motion for Summary Judgment re Qualified Immunity</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by Michael

		Breiling, A. F.. (Related document(s): Reply to Motion, (165 in 2:19-cv-01056-SU, 213 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 11/27/2020)
11/30/2020	215	Reply to Plaintiff EF's Response to Motion for Partial Summary Judgment (185 in 2:18-cv-01404-SU, 137 in 2:19-cv-01056-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 11/30/2020)
11/30/2020	216	Reply to Plaintiff AF's Response to Motion for Partial Summary Judgment (185 in 2:18-cv-01404-SU, 137 in 2:19-cv-01056-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 11/30/2020)
01/07/2021	217	Scheduling Order: Status Conference is set for 1/13/2021 at 02:00PM by telephone before Magistrate Judge Patricia Sullivan. The State shall send the disputed privilege log before the conference. Mr. Rizzo shall clarify the relief he is requesting prior to the conference call. Ordered by Magistrate Judge Patricia Sullivan.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 01/07/2021)
01/07/2021		Access information for 1/13/2021 hearing by telephone. Telephone Number: 888-675-2535 ; Access Code: 6085546 . If calling in, please use a land line connection without external noise and refrain from using a speaker phone. Note: Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking to reduce background noise. If dropped from the conference, please rejoin the conference and state your name after reconnecting. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 01/07/2021)
01/13/2021	218	MINUTES of Proceedings: Status conference HELD before Magistrate Judge Patricia Sullivan. The Court will allow all production. The State shall produce all unredacted documents listed in the privilege log within 15 days. Plaintiff's Supplemental Brief is due 3/1/2021. Defendant's Supplemental Brief is due 3/15/2021 Plaintiff A.F.'s Motion for Leave to File Amended Complaint (174 in case 2:18-cv-01404-SU and 126 in case 2:19-cv-01056-SU) is GRANTED. Unopposed Motion to File Two Separate Summary Judgment Motions (188 in case 2:18-cv-01404-SU and 140) in case 2:19-cv-01056-SU) is GRANTED. Hearing set for 1/19/2021 at 2:00pm is STRICKEN. Oral Argument is reset to 3/30/2021 at 01:00PM by telephone before Magistrate Judge Patricia Sullivan in case number 2:18-cv-01404-SU and 2:19-cv-01056-SU. Mary Skjelset, Steven Rizzo, Caitlin Mitchel present as counsel for plaintiffs. James Smith present as counsel for defendants. Court Reporter: Ryan White. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 01/13/2021)
01/13/2021		Access information for 3/30/2021 hearing by telephone. Telephone Number: 888-675-2535 ; Access Code: 6085546 . If calling in, please use a land line connection without external noise and refrain from using a speaker phone. Note: Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking to reduce background noise. If dropped from the conference, please rejoin the conference and state your name after reconnecting. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 01/13/2021)
01/26/2021	219	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephone Status Conference held on 1/13/2021 before Judge Patricia Sullivan, Court Reporter Ryan White, telephone number 503-326-8184 or ryan_white@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained from the

		Court Reporter or through PACER. See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 2/2/2021. Redaction Request due 2/16/2021. Redacted Transcript Deadline set for 2/26/2021. Release of Transcript Restriction set for 4/26/2021. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (White, Ryan) (Entered: 01/26/2021)
02/26/2021	220	Supplement . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by E F. (Related document(s): Motion for Partial Summary Judgment(134 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 02/26/2021)
02/26/2021	221	Declaration of Caitlin Mitchell . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by E F. (Related document(s): Supplement, (175 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 02/26/2021)
03/01/2021	222	Second Amended Complaint . Filed by A. F., Michael Breiling against Christopher Evans, Jane or John Doe Defendants 1-4, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Rizzo, Steven) (Entered: 03/01/2021)
03/02/2021	223	Supplement <i>Brief in Support of Motion for Partial Summary Judgment and Response to State Defendants' Partial Motion for Summary Judgment Regarding Qualified Immunity.</i> Filed by Michael Breiling, A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 03/02/2021)
03/02/2021	224	Declaration of <i>Steven Rizzo in Support of A.F.'s Supplemental Brief in Support of Motion for Partial Summary Judgment.</i> (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by Michael Breiling, A. F.. (Related document(s): Supplement, (177 in 2:19-cv-01056-SU, 223 in 2:18-cv-01404-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 03/02/2021)
03/15/2021	225	Supplement <i>State Defendants' Response to Plaintiff EF's Supplemental Brief re: Summary Judgment.</i> Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Declaration, (176 in 2:19-cv-01056-SU, 221 in 2:18-cv-01404-SU), Supplement, (220 in 2:18-cv-01404-SU, 175 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 03/15/2021)
03/15/2021	226	Supplement <i>State Defendants' Response to Plaintiff AF's Supplemental Brief re: Summary Judgment.</i> Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Supplement, (177 in 2:19-cv-01056-SU, 223 in 2:18-cv-01404-SU), Declaration, (224 in 2:18-cv-01404-SU, 178 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 03/15/2021)
03/15/2021	227	Answer to (222 in 2:18-cv-01404-SU) Amended Complaint with Jury Demand . Filed by Susan Lemon, Oregon Department of Human Services (DHS), Christopher Evans, Krista Turner, DHS Department of Human Services, Krista Turner, Susan Lemon, Christopher Evans. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 03/15/2021)
03/18/2021	228	Motion <i>for a Judicial Settlement Conference.</i> Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 03/18/2021)

03/18/2021	229	Declaration of James S. Smith <i>in Support of State Defendants' Motion for a Judicial Settlement Conference</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Motion - Miscellaneous, (181 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 03/18/2021)
03/18/2021	230	ORDER: Motion for a Judicial Conference 228 in case 2:18-cv-01404-SU is GRANTED. Parties are ordered to Settlement Conference with Judge Michael McShane. Parties shall contact Judge McShane's courtroom deputy Charlene Pew at 541-431-4105 to schedule the settlement conference. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 03/18/2021)
03/25/2021	231	Scheduling Order by Judge Michael J. McShane. The parties are each scheduled for individual telephone conference calls with Judge Michael J. McShane on 3/26/2021 to discuss potential settlement conference. Plaintiff will contact Judge McShane at the number provided by email at 11:00AM on 3/26/2021. Defendant will contact Judge McShane at the number provided by email at 01:00PM on 3/26/2021. Ordered by Judge Michael J. McShane.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 03/25/2021)
03/25/2021	232	ORDER: Oral Argument set for 3/30/2021 at 01:00PM is STRICKEN pending settlement discussions. Oral argument will be reset if settlement discussions are unsuccessful. Ordered by Magistrate Judge Patricia Sullivan.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 03/25/2021)
03/26/2021	233	Motion for Leave to File Amended Complaint/Petition . Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 03/26/2021)
03/26/2021	234	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Leave to File Amended Complaint/Petition(186 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 03/26/2021)
03/29/2021	235	ORDER: Motion for Leave to File Amended Complaint 233 in case 2:18-cv-01404-SU and Motion for Leave to File Amended Complaint 186 in case 2:19-cv-01056-SU are GRANTED. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 03/29/2021)
04/02/2021	236	Motion to Strike <i>Fourth Affirmative Defense from the State Defendants' Answer to A.F.'s Second Amended Complaint</i> . Oral Argument requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 04/02/2021)
04/09/2021	237	Scheduling Order: Oral Argument is set for 5/26/2021 at 02:00PM by telephone before Magistrate Judge Patricia Sullivan. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 04/09/2021)
04/09/2021		Access information for 5/26/2021 hearing by telephone. Telephone Number: 888-675-2535 ; Access Code: 6085546 . Note: Do not use a speaker phone. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking. If dropped from the conference, please rejoin the conference and state your name after reconnecting. For complete conference connection instructions and etiquette guidelines, refer to ord.uscourts.gov/cms . Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 04/09/2021)
04/13/2021	238	Scheduling Order by Judge Michael J. McShane: Settlement Conference is set for 5/12/2021 at 09:00AM in Eugene by video conference before Judge Michael J. McShane. Presence of all parties with settlement authority is required. This includes anyone

		who will have input on the decision of whether or not to settle the case, such as a spouse, parent, or any other adviser who may be relied on for advice. Parties are ordered to submit a Settlement Document to the Court by 5:00PM on 5/6/2021, in which they make realistic proposals of what they are willing to offer or accept to resolve this case. PLEASE SEE ATTACHED INSTRUCTIONS REGARDING THE SETTLEMENT DOCUMENT. Ordered by Judge Michael J. McShane. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (cp) (Entered: 04/13/2021)
04/13/2021	239	Unopposed Motion for Extension of Time to Answer <i>Plaintiff EF's Second Amended Complaint</i> (189 in 2:19-cv-01056-SU), Unopposed Motion for Extension of Time to File a Response/Reply to Motion to Strike <i>Fourth Affirmative Defense from the State Defendants' Answer to A.F.'s Second Amended Complaint</i> (190 in 2:19-cv-01056-SU, 236 in 2:18-cv-01404-SU). Filed by Susan Lemon, Oregon Department of Human Services (DHS), Christopher Evans, Krista Turner, DHS Department of Human Services, Krista Turner, Susan Lemon, Christopher Evans. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 04/13/2021)
04/13/2021	240	Declaration of James S. Smith <i>in Support of Unopposed Motion to Extend State Defendants' Deadlines to Respond to Plaintiff EF's Second Amended Complaint and Plaintiff AF's Motion to Strike the Fourth Affirmative Defense</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Motion for Extension of Time to Answer a Complaint/Petition,, Motion for Extension of Time to File Response/Reply to a Motion,, (239 in 2:18-cv-01404-SU, 239 in 2:18-cv-01404-SU, 193 in 2:19-cv-01056-SU, 193 in 2:19-cv-01056-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 04/13/2021)
04/14/2021	241	ORDER: Motion for Extension of Time to Answer Plaintiff EF's Second Amended Complaint(189 in 2:19-cv-01056-SU) is GRANTED. Motion for Extension of Time to File a Response to Motion to Strike Fourth Affirmative Defense from the State Defendants' Answer to A.F.'s Second Amended Complaint(190 in 2:19-cv-01056-SU, 236 in 2:18-cv-01404-SU) is GRANTED. Answer is due by 5/17/2021. Response is due by 5/17/2021. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 04/14/2021)
05/17/2021	242	Response to Motion to Strike <i>Fourth Affirmative Defense from the State Defendants' Answer to A.F.'s Second Amended Complaint</i> (236 in 2:18-cv-01404-SU, 190 in 2:19-cv-01056-SU) Oral Argument requested. Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 05/17/2021)
05/24/2021	243	Reply to Motion to Strike <i>Fourth Affirmative Defense from the State Defendants' Answer to A.F.'s Second Amended Complaint</i> (190 in 2:19-cv-01056-SU) Oral Argument requested. Filed by Michael Breiling, A. F.. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 05/24/2021)
05/24/2021	244	Declaration of <i>Steven Rizzo in Support of Plaintiff A.F.'s Reply to Motion to Strike State Defendants' Answer to the Second Amended Complaint</i> . Filed by Michael Breiling, A. F.. (Related document(s): Reply to Motion, (198 in 2:19-cv-01056-SU).) Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 05/24/2021)
05/26/2021	245	MINUTES of Proceedings: Motion Hearing HELD before Magistrate Judge Patricia Sullivan. Motions are taken under advisement as of 6/7/2021. Mary Skjelset, Steven V. Rizzo, Caitlin Van Tassel Mitchell, Jennifer J. Middleton present as counsel for plaintiffs. James S. Smith present as counsel for defendants. Court Reporter: Jill Jessup. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 05/27/2021)

06/08/2021	246	Motion for Extension of Time . Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 06/08/2021)
06/08/2021	247	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Extension of Time(201 in 2:19-cv-01056-SU).)Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 06/08/2021)
06/08/2021	248	Motion to Strike Answer to Amended Complaint(197 in 2:19-cv-01056-SU). Oral Argument requested. Filed by E F.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Mitchell, Caitlin) (Entered: 06/08/2021)
06/17/2021	249	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephonic Motion Hearing held on May 26, 2021, before Judge Patricia Sullivan, Court Reporter Jill L. Jessup, telephone number (503)326-8191 or email at jill_jessup@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter at (503)326-8191 or email at jill_jessup@ord.uscourts.gov or PACER. See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 6/24/2021. Redaction Request due 7/8/2021. Redacted Transcript Deadline set for 7/19/2021. Release of Transcript Restriction set for 9/15/2021. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (jjcr) (Entered: 06/17/2021)
06/22/2021	250	Response to Motion to Strike Answer to Amended Complaint(197 in 2:19-cv-01056-SU) (248 in 2:18-cv-01404-SU, 203 in 2:19-cv-01056-SU). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Smith, James) (Entered: 06/22/2021)
06/23/2021	251	ORDER: Motion for Extension of Time 246 in case 2:18-cv-01404-SU and 201 in case 2:19-cv-01056-SU is DENIED as MOOT. Motion to Strike is considered filed. Ordered by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 06/23/2021)
09/17/2021	252	OPINION AND ORDER: The Court concludes that the A.F.'s claims are timely. The Court has also concluded that the individual Defendants are not entitled to the protection of qualified immunity. The Court therefore GRANTS A.F.'s Motions for Partial Summary Judgment, ECF Nos. 190 , 194 , and DENIES Defendants' Motion for Partial Summary Judgment, ECF No. 185 . Signed on 9/17/2021 by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/17/2021)
09/17/2021	253	OPINION AND ORDER: The Court concludes that the E.F.'s claims are timely. The Court has also concluded that the individual Defendants are not entitled to the protection of qualified immunity. The Court therefore GRANTS E.F.'s Motion for Partial Summary Judgment, ECF No. 182 , and DENIES Defendants' Motion for Partial Summary Judgment, ECF No. 185 . Signed on 9/17/2021 by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/17/2021)
09/17/2021	254	OPINION AND ORDER: The Motions to Strike, ECF Nos. 236 , 248 , are DENIED. Signed on 9/17/2021 by Magistrate Judge Patricia Sullivan. Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (dsg) (Entered: 09/17/2021)
09/21/2021	255	Motion to Compel <i>Additional Limited Discovery</i> . Oral Argument requested.Expedited Hearing requested. Filed by Michael Breiling, A. F..Associated Cases: 2:18-cv-01404-SU, 2:19-cv-01056-SU (Rizzo, Steven) (Entered: 09/21/2021)
09/29/2021	256	Notice of Case Reassignment: This case has been reassigned from Magistrate Judge

		Patricia Sullivan to Magistrate Judge Youlee Yim You. (dsg) (Entered: 09/29/2021)
09/29/2021	257	ORDER: <i>(Stricken)</i> Plaintiff's Motion for Partial Summary Judgment Against State Defendants' Second and Fourth Affirmative Defenses 192 is denied as moot in light of the court's decision regarding plaintiff's Motion to Strike Fourth Affirmative Defense 236 . Ordered by Magistrate Judge Youlee Yim You. Associated Cases: 2:18-cv-01404-YY, 2:19-cv-01056-YY (pjm) Modified on 10/1/2021 pursuant to Order 258 (pvh). (Entered: 09/29/2021)
10/01/2021	258	Scheduling Order: SETTING a Telephonic Discovery Hearing for Wednesday, October 20, 2021, at 10:00AM before Magistrate Judge Youlee Yim You regarding Motions to Compel 255 in 2:18-cv-01404-YY, and 210 in 2:19-cv-01056-YY. FURTHER ORDER: Order 257 in 2:18-cv-01404-YY and 212 in 2:19-cv-01056-YY are stricken. Ordered by Magistrate Judge Youlee Yim You. Associated Cases: 2:18-cv-01404-YY, 2:19-cv-01056-YY (pvh) (Entered: 10/01/2021)
10/01/2021		Access information for Telephonic Discovery Hearing set for Wednesday, October 20, 2021, at 10:00AM. Telephone Number: 877-336-1831 ; Access Code: 7998660 . Note: Do not use a speaker phone. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking. If dropped from the conference, please rejoin the conference and state your name after reconnecting. For complete conference connection instructions and etiquette guidelines, refer to: https://ord.uscourts.gov/cms Associated Case: 2:19-cv-01056-YY (pvh) (Entered: 10/01/2021)
10/04/2021	259	ORDER: This case has been reassigned to Magistrate Judge Youlee Yim You. If a party wishes to withdraw consent to magistrate judge jurisdiction, within 14 days of this order that party must mail written notice of the withdrawal of consent to Ms. Trish Hunt, Courtroom Deputy, United States District Court, Office of the Clerk, 1000 SW 3rd Avenue, Portland, OR 97204. There will be no adverse consequences if a party elects to withdraw consent to magistrate judge jurisdiction. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 10/04/2021)
10/11/2021	262	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge has been withdrawn. (pvh) (Entered: 10/19/2021)
10/13/2021	261	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge has been withdrawn. (pvh) (Entered: 10/19/2021)
10/14/2021	260	Individual Party Consent to Jurisdiction by U.S. Magistrate Judge has been withdrawn. (joha) (Entered: 10/14/2021)
10/20/2021	263	MINUTES of Proceedings: Telephonic Discovery Hearing held on 10/20/2021. Plaintiff's motion to compel 255 is granted. This case is referred to District Judge Michael H. Simon for trial. Steven V. Rizzo present as counsel for plaintiff. James S. Smith present as counsel for defendants. Court Reporter: Kellie Humiston. Magistrate Judge Youlee Yim You presiding. (pvh) (Entered: 10/20/2021)
10/21/2021	264	Notice of Case Reassignment: This case has been reassigned from Magistrate Judge Youlee Yim You to Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-YY, 2:19-cv-01056-SI (sss) (Entered: 10/21/2021)
10/25/2021	265	SCHEDULING ORDER - The Court sets a Telephone Scheduling Conference for 11/4/2021 at 03:30PM. The Court will provide the parties with a call-in number by separate sealed entry. Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 10/25/2021)
10/25/2021		Access information for 11/4/2021 at 3:30 p.m. hearing by telephone. Telephone Number:

		888-684-8852 ; Access Code: 8190761 . Note: Do not use a speaker phone. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking. If dropped from the conference, please rejoin the conference and state your name after reconnecting. For complete conference connection instructions and etiquette guidelines, refer to ord.uscourts.gov/cms . Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 10/25/2021)
11/04/2021	266	MINUTES OF TELEPHONE SCHEDULING CONFERENCE: As discussed on the record, and upon agreement of all counsel, this case will be consolidated for trial. ORDER - Setting a further Telephone Scheduling Conference for December 7, 2021 at 11:00 a.m. The Court will provide the parties with a call-in number by separate sealed entry. Steven V. Rizzo, Mary Skjelset, and Caitlin Van Tassel Mitchell present as counsel for Plaintiffs. James S. Smith present as counsel for Defendants. Court Reporter: Kellie Humiston. Judge Michael H. Simon presiding. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 11/04/2021)
11/04/2021		Access information for 12/7/2021 at 11:00 a.m. hearing by telephone. Telephone Number: 888-684-8852 ; Access Code: 8190761 . Note: Do not use a speaker phone. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking. If dropped from the conference, please rejoin the conference and state your name after reconnecting. For complete conference connection instructions and etiquette guidelines, refer to ord.uscourts.gov/cms . Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 11/04/2021)
11/17/2021	267	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED discovery hearing held via teleconference on 10/20/21 before Judge Youlee Yim You, Court Reporter Kellie Humiston, telephone number 503-326-8186 or Kellie_Humiston@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the court reporter or PACER. See Policy at ord.uscourts.gov. (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Notice of Intent to Redact Transcript is due by 11/24/2021. Redaction Request due 12/8/2021. Redacted Transcript Deadline set for 12/20/2021. Release of Transcript Restriction set for 2/15/2022. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Humiston, Kellie) (Entered: 11/17/2021)
11/22/2021	268	Motion to Compel <i>the Deposition of John Anderson and Billy Cordero</i> . Oral Argument requested. Filed by A. F..Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 11/22/2021)
11/22/2021	269	Declaration of Steven Rizzo <i>in Support of Motion to Compel the Deposition of John Anderson and Billy Cordero</i> . (DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER) Filed by A. F.. (Related document(s): Motion to Compel(224 in 2:19-cv-01056-SI).) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6)Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 11/22/2021)
12/06/2021	270	Response to Motion to Compel <i>the Deposition of John Anderson and Billy Cordero</i> (268 in 2:18-cv-01404-SI, 224 in 2:19-cv-01056-SI). Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Smith, James) (Entered: 12/06/2021)
12/07/2021	271	MINUTES OF TELEPHONE CONFERENCE: ORDER - Plaintiffs' motion to compel the deposition of John Anderson and Billy Cordero (ECF 268) is GRANTED. The attorney client privilege issue will be handled as stated on the record. The Court's sets a further case management schedule as follows: (1) expert witness disclosures are due by

		February 7, 2022; (2) rebuttal expert disclosures are due by March 7, 2022; (3) expert discovery to be completed by April 7, 2022; and (4) and dispositive motions are due by April 21, 2022. Steven V. Rizzo and Caitlin Van Tassel Mitchell present as counsel for Plaintiffs. James S. Smith present as counsel for Defendants. Court Reporter: Dennis Apodaca. Judge Michael H. Simon presiding. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 12/07/2021)
01/03/2022	272	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephonic Motion Hearing held on December 7, 2021, before Judge Michael H. Simon, Court Reporter Dennis W. Apodaca, telephone number (503) 326-8182 or dennis_apodaca@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through PACER. See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 1/10/2022. Redaction Request due 1/24/2022. Redacted Transcript Deadline set for 2/3/2022. Release of Transcript Restriction set for 4/4/2022. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Apodaca, Dennis) (Entered: 01/03/2022)
03/21/2022	273	MINUTES of Proceedings: Settlement Conference held. Case does not settle. Mary Skjelset, Steven Rizzo (19-1056 Caitlin Van Tassel Mitchell) present as counsel for plaintiffs. James S. Smith present as counsel for defendants. Judge Michael J. McShane presiding. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (cp) (Entered: 03/21/2022)
03/22/2022	274	SCHEDULING ORDER - The Court sets a Telephone Scheduling Conference to set a trial date for Monday, April 18, 2022 at 10:00 a.m. The Court will provide the parties with a call-in number by separate sealed entry. Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 03/22/2022)
03/22/2022		Access information for 4/18/2022 at 10:00 a.m. hearing by telephone. Telephone Number: 888-684-8852 ; Access Code: 8190761 . Note: Do not use a speaker phone. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking. If dropped from the conference, please rejoin the conference and state your name after reconnecting. For complete conference connection instructions and etiquette guidelines, refer to ord.uscourts.gov/cms . Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 03/22/2022)
03/28/2022	275	Unopposed Motion for Extension of Discovery & PTO Deadlines : <i>Identification of Rebuttal Experts and Completion of Expert Discovery</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Smith, James) (Entered: 03/28/2022)
03/28/2022	276	Declaration of James S. Smith <i>in Support of Unopposed Motion to Extend Deadlines for Identification of Rebuttal Experts and Completion of Expert Discovery</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s): Motion for Extension of Discovery & PTO Deadlines, (231 in 2:19-cv-01056-SI, 275 in 2:18-cv-01404-SI).) Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Smith, James) (Entered: 03/28/2022)
03/29/2022	277	ORDER - The Court GRANTS defendants' unopposed motion for extension of discovery & PTO deadlines (ECF 275) as follows: the deadline for disclosures of rebuttal experts is April 28, 2022, and expert discovery to be completed by May 7, 2022. Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 03/29/2022)

04/04/2022	278	Motion for Partial Summary Judgment . Oral Argument requested. Filed by A. F..Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 04/04/2022)
04/04/2022	279	Declaration of Steven Rizzo . Filed by A. F.. (Related document(s): Motion for Partial Summary Judgment(234 in 2:19-cv-01056-SI).)Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 04/04/2022)
04/18/2022	280	MINUTES OF TELEPHONE SCHEDULING CONFERENCE: ORDER - The Court sets the following case schedule: A Pretrial Conference is set for Thursday, August 4, 2022 at 2:00 p.m.; and a two-week Jury Trial for Monday, August 22, 2022 at 9:00 a.m. in Portland, Courtroom 15B, before Judge Michael H. Simon. Trial Management Order to follow. Steven V. Rizzo and Mary Skjelset present as counsel for Plaintiff A.F. Caitlin Van Tassel Mitchell present as counsel for Plaintiff E.F. James S. Smith present as counsel for Defendants. Court Reporter: Dennis Apodaca. Judge Michael H. Simon presiding. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 04/18/2022)
04/18/2022	281	Trial Management Order. Signed on 4/18/2022 by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 04/18/2022)
04/18/2022	282	Supplemental Jury Trial Management Order Regarding the JERS System. Electronic trial exhibits due by 7/25/2022. Signed on 4/18/2022 by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 04/18/2022)
04/19/2022	283	Scheduling Order - The Court sets a Telephone Conference to discuss whether the jury trial should be held in Portland, or Pendleton, Oregon for 4/27/2022 at 11:00 a.m. The Court will provide the parties with a call-in number by separate sealed entry. Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 04/19/2022)
04/19/2022		Access information for 4/27/2022 at 11:00 a.m. hearing by telephone. Telephone Number: 888-684-8852 ; Access Code: 8190761 . Note: Do not use a speaker phone. Speak slowly, clearly, and do not talk over someone who is already speaking. Mute the microphone when not speaking. If dropped from the conference, please rejoin the conference and state your name after reconnecting. For complete conference connection instructions and etiquette guidelines, refer to ord.uscourts.gov/cms . Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 04/19/2022)
04/20/2022	284	Motion for Partial Summary Judgment . Oral Argument requested. Filed by E F.Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Mitchell, Caitlin) (Entered: 04/20/2022)
04/20/2022	285	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Partial Summary Judgment(240 in 2:19-cv-01056-SI).)Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Mitchell, Caitlin) (Entered: 04/20/2022)
04/25/2022	286	Response to Motion for Partial Summary Judgment (278 in 2:18-cv-01404-SI, 234 in 2:19-cv-01056-SI) Oral Argument requested. Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner.Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Smith, James) (Entered: 04/25/2022)
04/25/2022	287	Declaration of James S. Smith <i>in Support of State Defendants' Response to Plaintiff AF's Motion for Partial Summary Judgment</i> . Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. (Related document(s):

		Response to Motion, (242 in 2:19-cv-01056-SI, 286 in 2:18-cv-01404-SI.) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Smith, James) (Entered: 04/25/2022)
04/26/2022	288	Scheduling Order - Due to a conflict in the Court's schedule, the Telephone Conference set for 4/27/2022 has been reset from 11:00 a.m. to 11:30 a.m. The parties are directed to use the same call-in number as previously provided under seal. Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 04/26/2022)
04/27/2022	289	MINUTES OF TELEPHONE CONFERENCE: As discussed on the record, and pursuant to Local Rule 3.3(a), the Jury Trial set for August 22, 2022 will remain as presently set in the Portland Division for the District of Oregon. Steven V. Rizzo and Jennifer J. Middleton present as counsel for Plaintiffs. Jamse S. Smith present as counsel for Defendant. Court Reporter: Dennis Apodaca. Judge Michael H. Simon presiding. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 04/27/2022)
05/05/2022	290	Motion for Extension of Time . Filed by E F. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Mitchell, Caitlin) (Entered: 05/05/2022)
05/05/2022	291	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion for Extension of Time(246 in 2:19-cv-01056-SI).) Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Mitchell, Caitlin) (Entered: 05/05/2022)
05/05/2022	292	ORDER - The Court GRANTS Plaintiff E.F.'s unopposed motion to extend expert discovery deadline to allow for completions of Bourg deposition, ECF 290 . Expert Discovery to be completed by June 22, 2022. Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 05/05/2022)
05/05/2022	293	Reply to Motion for Partial Summary Judgment (234 in 2:19-cv-01056-SI) Oral Argument requested. Filed by A. F.. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 05/05/2022)
05/11/2022	294	Response to Motion for Partial Summary Judgment (284 in 2:18-cv-01404-SI, 240 in 2:19-cv-01056-SI) Oral Argument requested. Filed by DHS Department of Human Services, Christopher Evans, Susan Lemon, Krista Turner, Christopher Evans, Susan Lemon, Oregon Department of Human Services (DHS), Krista Turner. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Smith, James) (Entered: 05/11/2022)
05/16/2022	295	OPINION AND ORDER: The Court GRANTS A.F.'s motion for partial summary judgment 278 and E.F.'s motion for partial summary judgment 284 against Defendants' Fourth Affirmative Defense. Signed on 5/16/2022 by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (pg) (Entered: 05/16/2022)
06/23/2022	296	Unopposed Motion for Order . Oral Argument requested. Filed by A. F.. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 06/23/2022)
06/23/2022	297	Declaration of Steven Rizzo . Filed by A. F.. (Related document(s): Motion for Order(252 in 2:19-cv-01056-SI).) Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 06/23/2022)
06/29/2022	298	ORDER - The Court GRANTS Plaintiff A.F.'s unopposed motion to terminate appointment of the guardian ad litem, ECF 296 . Signed on 6/29/2022 by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 06/29/2022)
07/01/2022	299	Scheduling Order - The parties have reported that this case has settled. The Pretrial conferences set for 8/4/2022 and the Jury Trial set for 8/22/2022 are STRICKEN.

		Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 07/01/2022)
07/13/2022	300	Unopposed Motion . Filed by E F.Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Mitchell, Caitlin) (Entered: 07/13/2022)
07/13/2022	301	Declaration of Caitlin Mitchell . Filed by E F. (Related document(s): Motion - Miscellaneous(256 in 2:19-cv-01056-SI).)Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Mitchell, Caitlin) (Entered: 07/13/2022)
07/14/2022	302	ORDER - The Court GRANTS Plaintiff E.F.'s Unopposed Motion to Terminate Appointment of Guardian Ad Litem, ECF 300 . Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 07/14/2022)
07/18/2022	303	Joint Motion for Judgment . Filed by A. F..Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 07/18/2022)
07/18/2022	304	Declaration of Steven Rizzo . Filed by A. F.. (Related document(s): Motion for judgment(259 in 2:19-cv-01056-SI).)Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (Rizzo, Steven) (Entered: 07/18/2022)
07/19/2022	305	ORDER - The Court GRANTS the parties' joint motion for judgment, ECF 303 . Stipulated judgment to follow. Ordered by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 07/19/2022)
07/19/2022	306	STIPULATED JUDGMENT. Signed on 7/19/2022 by Judge Michael H. Simon. Associated Cases: 2:18-cv-01404-SI, 2:19-cv-01056-SI (mja) (Entered: 07/19/2022)

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Oregon State Bar 2017 Economic Survey Report of Findings



Billing Rate

Table 35 presents the 2016 hourly billing rate for private practice lawyers, regardless of level of employment (i.e., full-time, part-time by choice, and part-time due to lack of legal work). The mean hourly rate was \$286 statewide, and ranged from \$226 to \$324 regionally.

Table 35: 2016 Hourly Billing Rate – Private Practice

	Oregon (n=835)	Portland (n=323)	Tri- County (n=259)	Upper Willamette Valley (n=74)	Lower Willamette Valley (n=57)	Southern Oregon (n=42)	Eastern Oregon (n=54)	Oregon Coast (n=26)
Mean Hourly Rate	\$286	\$324	\$274	\$253	\$260	\$232	\$255	\$226
Median Hourly Rate	\$260	\$300	\$250	\$250	\$250	\$245	\$250	\$224
Low Hourly Rate	\$30	\$70	\$30	\$60	\$100	\$46	\$150	\$125
25 th Percentile	\$210	\$240	\$215	\$200	\$200	\$200	\$200	\$200
75 th Percentile	\$335	\$400	\$325	\$300	\$300	\$260	\$295	\$250
95 th Percentile	\$490	\$525	\$410	\$395	\$450	\$290	\$350	\$300
High Hourly Rate	\$850	\$850	\$750	\$475	\$650	\$300	\$550	\$350

Q14: When you charged on an hourly basis, what was your usual billing rate per hour in 2016?

Q6: Which type of employment represented 50% or more of your practice as of 12/31/2016? *[private practice only]*

Total Years Admitted to Practice

Table 36 presents the 2016 hourly bill rate data by total years admitted to practice for all private practice lawyers, regardless of level of employment. Statewide, the mean hourly billing rate increased as the number of years admitted to practice increased, reaching a mean of \$332 for lawyers admitted to practice for Over 30 Years. Slight variations occurred regionally, and for some regions, too few respondents fell into subgroups to present the data.

Table 36: 2016 Hourly Billing Rate by Total Years Admitted to Practice – Private Practice

	Oregon (n=65)	Portland (n=26)	Tri- County (n=19)	Upper Willamette Valley (n=8)	Lower Willamette Valley (n=3)	Southern Oregon (n=4)	Eastern Oregon (n=3)	Oregon Coast (n=2)
0-3 Years								
Mean Rate	\$210	\$236	\$198	\$214	n/a	n/a	n/a	n/a
Median Rate	\$207	\$235	\$200	\$200	n/a	n/a	n/a	n/a
25 th Percentile	\$175	\$207	\$165	\$160	n/a	n/a	n/a	n/a
75 th Percentile	\$240	\$250	\$225	\$225	n/a	n/a	n/a	n/a
95 th Percentile	\$300	\$305	\$320	\$300	n/a	n/a	n/a	n/a
4-6 Years								
Mean Rate	\$231	\$249	\$227	\$216	\$194	n/a	n/a	n/a
Median Rate	\$220	\$250	\$210	\$200	\$200	n/a	n/a	n/a
25 th Percentile	\$190	\$200	\$185	\$200	\$175	n/a	n/a	n/a
75 th Percentile	\$257	\$300	\$275	\$250	\$220	n/a	n/a	n/a
95 th Percentile	\$330	\$350	\$320	\$250	\$225	n/a	n/a	n/a

Table 36: 2016 Hourly Billing Rate by Total Years Admitted to Practice – Private Practice

7-9 Years	Oregon (n=75)	Portland (n=33)	Tri- County (n=15)	Upper Willamette Valley (n=6)	Lower Willamette Valley (n=6)	Southern Oregon (n=5)	Eastern Oregon (n=7)	Oregon Coast (n=3)
Mean Rate	\$259	\$282	\$281	\$223	\$213	\$228	\$228	n/a
Median Rate	\$250	\$280	\$270	\$200	\$200	\$240	\$225	n/a
25 th Percentile	\$200	\$230	\$250	\$185	\$195	\$200	\$200	n/a
75 th Percentile	\$300	\$340	\$300	\$275	\$200	\$250	\$250	n/a
95 th Percentile	\$390	\$400	\$390	\$275	\$300	\$250	\$285	n/a
10-12 Years	Oregon (n=78)	Portland (n=41)	Tri- County (n=18)	Upper Willamette Valley (n=6)	Lower Willamette Valley (n=5)	Southern Oregon (n=4)	Eastern Oregon (n=3)	Oregon Coast (n=1)
Mean Rate	\$272	\$283	\$288	\$244	\$220	n/a	n/a	n/a
Median Rate	\$250	\$300	\$275	\$250	\$200	n/a	n/a	n/a
25 th Percentile	\$225	\$225	\$250	\$215	\$200	n/a	n/a	n/a
75 th Percentile	\$320	\$340	\$350	\$275	\$250	n/a	n/a	n/a
95 th Percentile	\$400	\$410	\$375	\$300	\$250	n/a	n/a	n/a
13-15 Years	Oregon (n=59)	Portland (n=26)	Tri- County (n=17)	Upper Willamette Valley (n=5)	Lower Willamette Valley (n=1)	Southern Oregon (n=5)	Eastern Oregon (n=3)	Oregon Coast (n=2)
Mean Rate	\$273	\$288	\$256	\$277	n/a	\$247	n/a	n/a
Median Rate	\$250	\$300	\$250	\$250	n/a	\$250	n/a	n/a
25 th Percentile	\$200	\$180	\$245	\$225	n/a	\$250	n/a	n/a
75 th Percentile	\$325	\$375	\$300	\$325	n/a	\$260	n/a	n/a
95 th Percentile	\$460	\$460	\$410	\$390	n/a	\$275	n/a	n/a
16-20 Years	Oregon (n=91)	Portland (n=38)	Tri- County (n=29)	Upper Willamette Valley (n=9)	Lower Willamette Valley (n=9)	Southern Oregon (n=0)	Eastern Oregon (n=4)	Oregon Coast (n=2)
Mean Rate	\$293	\$334	\$270	\$293	\$252	n/a	n/a	n/a
Median Rate	\$275	\$325	\$250	\$300	\$260	n/a	n/a	n/a
25 th Percentile	\$225	\$250	\$240	\$250	\$225	n/a	n/a	n/a
75 th Percentile	\$350	\$400	\$300	\$300	\$300	n/a	n/a	n/a
95 th Percentile	\$450	\$500	\$400	\$450	\$325	n/a	n/a	n/a
21-30 Years	Oregon (n=147)	Portland (n=32)	Tri- County (n=59)	Upper Willamette Valley (n=14)	Lower Willamette Valley (n=10)	Southern Oregon (n=13)	Eastern Oregon (n=16)	Oregon Coast (n=3)
Mean Rate	\$307	\$394	\$279	\$273	\$355	\$248	\$272	n/a
Median Rate	\$300	\$415	\$280	\$255	\$285	\$250	\$250	n/a
25 th Percentile	\$245	\$325	\$200	\$250	\$275	\$240	\$225	n/a
75 th Percentile	\$350	\$475	\$350	\$300	\$350	\$275	\$310	n/a
95 th Percentile	\$500	\$525	\$450	\$475	\$650	\$300	\$350	n/a

Table 36: 2016 Hourly Billing Rate by Total Years Admitted to Practice – Private Practice

Over 30 Years	Oregon (n=215)	Portland (n=80)	Tri- County (n=69)	Upper Willamette Valley (n=15)	Lower Willamette Valley (n=18)	Southern Oregon (n=9)	Eastern Oregon (n=13)	Oregon Coast (n=11)
Mean Rate	\$332	\$413	\$311	\$254	\$276	\$229	\$251	\$243
Median Rate	\$300	\$425	\$295	\$250	\$250	\$250	\$250	\$225
25 th Percentile	\$250	\$300	\$250	\$200	\$250	\$190	\$225	\$200
75 th Percentile	\$400	\$495	\$350	\$325	\$300	\$285	\$275	\$295
95 th Percentile	\$560	\$610	\$500	\$350	\$450	\$300	\$310	\$350

Q14: When you charged on an hourly basis, what was your usual billing rate per hour in 2016?

Q2: What year were you admitted into any state bar (including Oregon)? *[converted into number of years]*Q6: Which type of employment represented 50% or more of your practice as of 12/31/2016? *[private practice only]***Area of Practice**

Table 37 presents the 2016 hourly billing rate data by area of practice for all private practice lawyers, regardless of level of employment. The highest hourly billing rate was for Business/Corporate – Litigation (mean=\$333) statewide, with variations across the regions.

Table 37: 2016 Hourly Billing Rate by Area of Practice – Private Practice

Bankruptcy	Oregon (n=24)	Portland (n=11)	Tri- County (n=8)	Upper Willamette Valley (n=2)	Lower Willamette Valley (n=1)	Southern Oregon (n=1)	Eastern Oregon (n=1)	Oregon Coast (n=0)
Mean Rate	\$298	\$309	\$283	n/a	n/a	n/a	n/a	n/a
Median Rate	\$275	\$280	\$270	n/a	n/a	n/a	n/a	n/a
25 th Percentile	\$250	\$250	\$245	n/a	n/a	n/a	n/a	n/a
75 th Percentile	\$330	\$375	\$280	n/a	n/a	n/a	n/a	n/a
95 th Percentile	\$435	\$475	\$370	n/a	n/a	n/a	n/a	n/a
Business/ Corporate -- Litigation	Oregon (n=117)	Portland (n=63)	Tri- County (n=21)	Upper Willamette Valley (n=5)	Lower Willamette Valley (n=7)	Southern Oregon (n=4)	Eastern Oregon (n=9)	Oregon Coast (n=0)
Mean Rate	\$333	\$367	\$308	\$231	\$286	n/a	\$271	n/a
Median Rate	\$325	\$365	\$300	\$200	\$275	n/a	\$275	n/a
25 th Percentile	\$275	\$300	\$275	\$175	\$250	n/a	\$250	n/a
75 th Percentile	\$400	\$425	\$350	\$300	\$325	n/a	\$310	n/a
95 th Percentile	\$495	\$525	\$410	\$325	\$325	n/a	\$310	n/a
Business/ Corporate – Transactional	Oregon (n=150)	Portland (n=62)	Tri- County (n=42)	Upper Willamette Valley (n=17)	Lower Willamette Valley (n=13)	Southern Oregon (n=6)	Eastern Oregon (n=8)	Oregon Coast (n=2)
Mean Rate	\$301	\$351	\$284	\$254	\$235	\$267	\$244	n/a
Median Rate	\$285	\$325	\$275	\$250	\$250	\$275	\$245	n/a
25 th Percentile	\$240	\$275	\$200	\$200	\$175	\$250	\$170	n/a
75 th Percentile	\$350	\$425	\$350	\$300	\$300	\$300	\$275	n/a
95 th Percentile	\$500	\$525	\$450	\$450	\$350	\$300	\$350	n/a

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in

December

2016

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May

2022

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The CPI inflation calculator uses the [Consumer Price Index](#) for All Urban Consumers (CPI-U) U.S. city average series for all items, not seasonally adjusted. [This data](#) represents changes in the prices of all goods and services purchased for consumption by urban households.

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CPI Inflation Calculator

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\$ 460.00

in

December

2016

has the same buying power as

\$556.91

in

May

2022

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The CPI inflation calculator uses the [Consumer Price Index](#) for All Urban Consumers (CPI-U) U.S. city average series for all items, not seasonally adjusted. [This data](#) represents changes in the prices of all goods and services purchased for consumption by urban households.

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Telephone:1-202-691-5200_ Telecommunications Relay Service:7-1-1_ [www.bls.gov](#) [Contact Us](#)



Bureau of Labor Statistics > Data Tools > Charts and Applications > Inflation Calculator

CPI Inflation Calculator

CPI Inflation Calculator

\$ 235.00

in

December

2016

has the same buying power as

\$284.51

in

May

2022

Calculate

About the CPI Inflation Calculator

The CPI inflation calculator uses the [Consumer Price Index](#) for All Urban Consumers (CPI-U) U.S. city average series for all items, not seasonally adjusted. [This data](#) represents changes in the prices of all goods and services purchased for consumption by urban households.

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Oregon

Kate Brown, Governor

Department of Administrative Services

Enterprise Goods & Services

PO Box 12009

Salem, Oregon 97309-0009

Phone: (503) 373-7475

Fax: (503) 373-7337

November 1, 2016

J. MICHAEL MATTINGLY
ATTORNEY
1300 SW SIXTH AVE
SUITE 330
PORTLAND, OR 97201

RECEIVED

NOV 07 2016

Rizzo Mattingly Bosworth

Claimant: [REDACTED] a minor
Claim Number: L16003001
Date of Loss: Variable,

Dear Mr. Mattingly;

We have completed our investigation of your client's claim with management level staff at the Department of Human Services. We did not find any wrongdoing by the staff of DHS that resulted in harm to [REDACTED]. The placement was a family placement with the endorsement of family, including both parents and his grandparent. A full background check was completed per policy for Mr. Campbell and no issues were found. The agency exceeded the required visitation with Anthony. He did not disclose any issues with his placement. When he did disclose inappropriate touching, DHS responded quickly and appropriately.

We do not find negligence on the part of the State of Oregon, its officers, agents, or employees. Therefore, we must respectfully deny your claim.

We know that our response is not the one that your client had hoped to receive. Please be assured that our decision does not reflect lack of concern or a lack of appreciation of his difficulties.

Respectfully,

A handwritten signature in cursive script, reading "Ellen Hewitt".

Ellen Hewitt
Claims Management Consultant
Phone: (503) 378-5508
Fax: (503) 373-7337
ellen.l.hewitt@oregon.gov

From: "Desiree St. Germain" <Desiree_StGermain@ord.uscourts.gov>

Date: July 26, 2019 at 07:30:11 PDT

To: "bjagelski@yturrirose.com" <bjagelski@yturrirose.com>, "james.s.smith@doj.state.or.us" <james.s.smith@doj.state.or.us>, "keichner@lindsayhart.com" <keichner@lindsayhart.com>, "mskjelset@rizzopc.com" <mskjelset@rizzopc.com>, "njones@lindsayhart.com" <njones@lindsayhart.com>, "srizzo@rizzopc.com" <srizzo@rizzopc.com>, "xin@xinxulaw.com" <xin@xinxulaw.com>

Subject: 2:18-cv-01404-SU F. v. Evans et al

Good morning counsel,

Due to a number of technical difficulties, the hearing that was held on 7/17/19 was not recorded by our FTR system. The Court realized this issue when the plaintiffs' requested a copy of the transcripts from that hearing. In order to clarify what was discussed, Judge Sullivan has comprised a list of points that were discussed on the record:

In terms of what was discussed on the record, our notes indicate that:

1. Mr. Dahl can be deposed at the same time as a witness and as records custodian for GRD. The deposition can be bifurcated but should occur on the same day. Mr. Rizzo indicated his willingness to go to LaGrande for depositions.
2. There was more discussion about defendant Burcart's original file. To the extent that the attorneys involved with that file - Burcart, Dahl, and defense attorneys - have any knowledge of the location of the original file, they should search for it and produce it. While we did not discuss, it seems to me that both Mr. Dahl and Ms. Burcart can be questioned about the file as it was produced to determine if it accurately reflects whatever is in the "original" file.
3. To the extent that there are documents reflecting the organization of GRD those documents should be produced. However, the Court is aware that Mr. Jagelski's Motion to Quash is still pending.
4. The attorneys are instructed to meet and confer about all discovery issues within 30 days. If more time is needed, the Court would be willing to extend this deadline but would like the matters resolved by the time the stay in favor of the State is terminated. The parties are instructed to bring all documents in their possession and sort out the discovery. If there are issues that remain appropriate motions can be filed.
5. Plaintiff's counsel was encouraged to talk to the attorneys for plaintiff's brother and to explore consolidation of the two cases.

Judge Sullivan is able to hold a status conference if the parties would like to get all this information on the record. If the parties would like to hold a conference, please confer and let me know what dates work best for all parties. We apologize for any inconvenience.

Thank you,
Desiree St. Germain
Courtroom Deputy for Magistrate Judge Patricia Sullivan
CVB Clerk
MDL Clerk
Prisoner Pro Se Case Administrator
U.S. District Court, District of Oregon
Phone: 503-326-8016



RIZZO MATTINGLY BOSWORTH PC

March 27, 2020

VIA EMAIL ONLY IN LIGHT OF COVID-19

Hon. Patricia Sullivan
US Magistrate Judge
US District Court, District of Oregon
104 SW Dorion Ave, Second Floor
Pendleton, OR 97801-2124
E-mail: Desiree_StGermain@ord.uscourts.gov

Re: *A.F., E.F. v. Christopher Evans, et. al.* 2:18-cv-01404-SU; 2:19-cv-01056-SU

Dear Judge Sullivan:

I write to apprise the court of recent developments in the above-captioned matter and to request the court's intervention.

Plaintiffs have been unable to set a firm settlement conference date due to COVID-19 issues and the parties' scheduling conflicts. Also, Burcart's counsel did not obey the Court's discovery order and continue to refuse to search for and produce documents that directly bear on Plaintiffs' settlement position. Relatedly, Plaintiffs discovered that the State Defendants have additional relevant communications that have not been produced, but cannot prepare discovery requests in light of the discovery stay. Plaintiffs have weathered significant delay in this case due to the State Defendants' prior abatement. They need to move the case forward, and request that the Court reinstate discovery and set discovery deadlines and a trial date. A.F. is preparing a discovery motion directed to Burcart.

Thank you for your consideration and attention.

Sincerely,

/s/

Steven Rizzo

Cc: All counsel

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1300 SW Sixth Avenue
Suite 330
Portland, OR 97201
T: 503.229.1819 | F: 503.229.0630

EXHIBIT 9



RIZZO MATTINGLY BOSWORTH PC

April 6, 2020

VIA EMAIL ONLY IN LIGHT OF COVID-19

Hon. Patricia Sullivan
US Magistrate Judge
US District Court, District of Oregon
104 SW Dorion Ave, Second Floor
Pendleton, OR 97801-2124
E-mail: Desiree_StGermain@ord.uscourts.gov

Re: *A.F., E.F. v. Christopher Evans, et. al.* 2:18-cv-01404-SU; 2:19-cv-01056-SU

Dear Judge Sullivan:

I write in response to Defendant Burcart's letter of April 2, 2020 and to the State Defendants' letter dated April 2, 2020, which Plaintiffs received on Friday, April 3, 2020. For the reasons set forth below, Plaintiffs ask the Court to lift the discovery stay and set a discovery schedule and trial date.

To recap, following the January 16, 2020 status conference, the Court issued the following discovery order:

"As discussed on the record, defendant Burcart shall produce all records with regard to plaintiffs' case including *phone records* and *all records that relate to Mr. Campbell* and *any information on any devices* to the extent that the information can be extracted. These records shall be provided two weeks before the [February 18] deposition." (ECF 106) (emphasis added).

In response, Burcart issued two subpoenas: one to US Cellular and the other to EONI (Burcart's former landline provider) both seeking records from March 31, 2014 through December 31, 2017. On February 4, 2020, "two weeks before" Burcart's deposition, Burcart unredacted a few select numbers from previously produced, redacted EONI records. Inexplicably, Burcart's counsel still had not unredacted Burcart's calls to Campbell's 8600 number – an issue that A.F. brought to the Court's attention on January 16. Burcart also produced new EONI records (from March 31, 2014 – December 31, 2017) that were also heavily redacted.

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EXHIBIT 9

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 A.F., E.F., v. Evans, et al
 April 6, 2020
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A.F. deposed Burcart on February 18, 2020. Burcart counsel's made numerous speaking objections and instructions not to answer basic questions. However, the answers allowed by Burcart's counsel revealed anomalies in production and a failure to comply with the Court's order.

First, regarding her landline records, when shown the initial set of EONI landline records that her counsel produced, Burcart testified she had *never seen them* and that they were not her phone bills. In light of alterations in the records, this testimony suggests that Burcart's counsel acted without client direction to create a version of EONI records for production that were both incomplete and different in form from those that EONI had actually produced in response to counsel's subpoena (similar to counsel's creation of the faux original client file). Burcart also testified that she had *no involvement* in making any of the extensive "client" redactions on any of her phone records. Previously, Burcart's counsel had represented that the redactions were made to protect the confidentiality of former juvenile clients, but absent Burcart's involvement, counsel had no way to know which number(s) belonged to any such client(s). With respect to the newly produced EONI records, Burcart testified that she had stopped using the landline after March 2014, when she retired. Thus, to make it appear as though Burcart was complying with the Court's order her counsel subpoenaed and heavily redacted the additional records for a phone number that they knew or should have known Burcart herself no longer used.

Second, regarding her cell phone records, Burcart testified that she stopped using US Cellular but could not recall the exact time frame. Burcart switched to Consumer Cellular, a fact that her counsel had not previously disclosed. So, counsel's January 16 subpoena to US Cellular was guaranteed to produce incomplete records. On February 19, the day after the deposition, Burcart issued a subpoena to Consumer Cellular seeking records from June 1, 2016 – December 31, 2017. No Consumer Cellular (or additional US Cellular) records were produced until March 2, 2020. The US Cellular records continue to lack any text messaging records. However, the Consumer Cellular records, which do reference text messages, show that predominately following Campbell's indictment Burcart and Campbell exchanged more than seventy (70) text messages. Burcart testified that she did not delete any of these texts; yet *none* has been produced. Given Burcart's and Moffet's history of disclosing confidential information pertaining to the juvenile dependency matter and their communications about Campbell's prosecution, the texts relate to A.F.'s pending motion to compel Moffet's deposition and to the extent of Campbell's waiver of attorney-client privilege in his criminal defense.

Third, regarding her devices, Burcart testified that she has been using an iMac computer at her home office which has never been searched; nor has her iCloud back-up system been searched for these 70+ text messages with Campbell and other relevant communications, i.e., texts and/or emails with Moffet, Mary Melton, etc. Burcart's counsel nevertheless refused to hold the deposition open.

Following the Burcart deposition, A.F. and Defendant Dall broached the idea of engaging in settlement discussions. Burcart quickly followed by indicating that she was interested in settlement as well. Plaintiffs conferred and agreed to participate in a settlement conference, assuming that the previously ordered documents would be produced in advance. On February 26, 2020, Burcart sent the e-mail to the Court on behalf of these parties, reciting as follows:

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 A.F., E.F., v. Evans, et al
 April 6, 2020
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“Counsel for Burcart, Dall, A.F., and E.F. would like to request scheduling of a judicial settlement conference in this matter and would like the court’s assistance. We are hopeful the settlement conference could happen on an *expedited basis*. Counsel for the State Defendants has informed us that they have not agreed to participate while discovery is still proceeding. The remaining parties would nevertheless like to proceed with a settlement conference” (emphasis added).

At the status conference held on February 27, 2020, the Court may recall that A.F. requested the Court to allow discovery to continue pending a settlement conference. The Court may also recall that the State Defendants were reticent to engage in settlement. The Court allowed Plaintiffs to complete their previously scheduled depositions of State Defendants (Evans and Turner) but stayed further discovery pending a judicial settlement conference.

A.F. contacted Judge McShane’s chambers and circulated then available dates for a settlement conference. The first available date was March 13, but not all parties could attend.

A.F. deposed Evans and Turner on March 3 and 4, 2020. Turner testified about her meetings and discussions, including exchanges of e-mail communications, with her supervisory and upper management personnel within the DHS La Grande office and with the DHS Central Office located in Salem, Oregon, regarding *inter alia* the certification of Campbell. Testimony and exhibits from the Evans deposition also indicate significant Central Office involvement relating to A.F.’s report of abuse, the arrest and indictment of Campbell and the resulting Child Protective Services investigation. Turner also testified that DHS invited Burcart to attend and participate in confidential DHS “staffings” that were held at the DHS La Grande office and that the agency accepted that Burcart was disclosing confidential information which benefited the agency’s position. Production of these communications remains incomplete and the State Defendants are belatedly seeking to claw back documents related to the agency’s involvement with Burcart they now claim are privileged. Moreover, additional information has come to light showing that the DOJ counsel who handled the juvenile dependency case collaborated with Burcart to withhold important information from the court, vilify the paternal grandfather and father, and coordinate on ways to support Campbell’s guardianship.

Judge McShane became unable to attend a tentative April 22 settlement conference due to the Presiding Judge’s Standing Order relating to COVID-19 issues. The next dates offered extended into mid-May (May 11 and May 18). Dall could not attend on May 11, and after a significant lapse of time and cueing, the State Defendants responded to inquiries into their availability for May 18 with a curt “No”. Thus, whatever “resources” the State Defendants may have “expended,” they did not include offering other alternative dates.

More than five (5) weeks have elapsed since the February 27 status conference. No settlement conference has been scheduled and it is doubtful that one can be scheduled in the near future. Further, recent correspondence submitted “jointly” by Burcart and Dall on behalf of the PLF suggests that at this juncture it would be pointless to engage in settlement negotiations with those parties, and, as the Court is aware, the State Defendants are dismissive regarding settlement.

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In response to the State Defendants' April 2 letter, A.F. is cognizant of social distancing requirements and A.F. has been and will continue to be respectful of Mr. Smith's underlying health condition. That said, two other senior DOJ attorneys (Ms. Chin and Ms. Schneider) should be available to assist with documents discovery and motions practice, and depositions can be handled telephonically and by video.

In conclusion, A.F. seeks the following relief:

- Require Burcart to (i) Immediately search her current computer (iMac) and her iCloud back-up account for relevant communications – including her 70+ text messages with Campbell; (ii) Produce all communications with Campbell – including the 8600 calls and messages; (iii) Produce her complete phone records for April 2011-April 2014 without redaction or (this time) redactions limited only to other juvenile clients not affiliated with this case; and (iv) Produce her phone records for April 2014-December 2017 without any redactions because she was no longer licensed to practice law and there is no applicable privilege;
- **Lift the discovery stay and set a briefing and discovery schedule and trial date;**
- Reset the Moffet and Gushwa/Melton motions for argument, following Burcart's compliance with the Court's order, which will inform the extent of Campbell's waiver relating to the Gushwa/Melton motion.

Content with the stay, Dall and Burcart have taken no further steps to arrange a settlement conference since it became clear that none of Judge McShane's dates were available. The State Defendants act as though they are dismissive of a settlement conference, yet suggest that the stay should continue nonetheless in light of COVID-19. A long-delayed settlement conference without any ability to conduct ongoing discovery prejudices Plaintiffs. Completion of discovery will assist Plaintiffs to "expose" the breadth of the defendants' deliberate indifference and their tortious conduct "to the scrutiny" of a settlement judge or the jury.

Thank you for your consideration and attention.

Sincerely,

/s/Steven Rizzo

From: [Desiree St. Germain](#)
To: [Charlene Gomez](#)
Cc: [Steven Rizzo](#); [Mary Skjelset](#); [Heather Wettlaufer](#); cmitchell@justicelawyers.com; jmiddleton@justicelawyers.com; james.s.smith@doj.state.or.us; matthew.sullivan@doj.state.or.us; [Bruno Jagelski](#); [Nikola L. Jones](#); [Katie M. Eichner](#); [Corina I. Olsen](#); [Courtney DeKrey Wells](#); [Patrick Fiegenbaum](#)
Subject: RE: AF v. Evans 2:18-cv-1401: Letter to Court re response to letter of 4-6-20
Date: Wednesday, April 08, 2020 11:14:10 AM

Good morning counsel,

Please see Judge Sullivan's response:

Counsel,

I have received correspondence from the parties beginning with Mr. Rizzo's letter of March 27, 2020. Ms. Middleton has joined in Mr. Rizzo's request. I have received responses from defendants opposing those requests.

Mr. Rizzo has asked the Court to lift the stay that is currently in place, to reimpose discovery deadlines and to set a trial date. In light of the circumstances created by the pandemic, and the parties' previously indicated willingness to engage in settlement discussions, I decline to terminate the stay at this time. I further decline to impose discovery deadlines. Should settlement not be accomplished, I will revisit Mr. Rizzo's requests when the COVID-19 health crisis has become less urgent. I can tell you that a trial in this case can be set at the earliest in March 2021.

I have recently spoken to Judge McShane who is quite willing to work with the parties remotely to assist in pursuing settlement discussions. Judge McShane has given me permission to share his cell phone number (503)260-6807. Please contact him to schedule a settlement conference in any fashion that keeps everyone safe.

Please let the Court know if you have any further question.

Thank you,
Judge Patricia Sullivan

Desiree St. Germain
Courtroom Deputy for Magistrate Judge Patricia Sullivan
Case Management Specialist- CVB, PPS, MDL
U.S. District Court, District of Oregon
Phone: 503-326-8016

From: Charlene Gomez <cgomez@yturrirose.com>
Sent: Tuesday, April 7, 2020 3:31 PM
To: Desiree St. Germain <Desiree_StGermain@ord.uscourts.gov>

Cc: srizzo@rizzopc.com; mskjelset@rizzopc.com; hwettlaufer@rizzopc.com;
cmitchell@justicelawyers.com; jmiddleton@justicelawyers.com; james.s.smith@doj.state.or.us;
matthew.sullivan@doj.state.or.us; Bruno Jagelski <bjagelski@yturrirose.com>; Nikola L. Jones
<njones@lindsayhart.com>; Katie M. Eichner <KEichner@lindsayhart.com>; Corina I. Olsen
<COLsen@lindsayhart.com>; Courtney DeKrey Wells <cwells@lindsayhart.com>; Patrick Fiegenbaum
<pfiegenbaum@lindsayhart.com>

Subject: AF v. Evans 2:18-cv-1401: Letter to Court re response to letter of 4-6-20

Good Afternoon Ms. StGermain,

Attached please find Bruno Jagelski's letter directed to Judge Sullivan. Thank you.

Charlene Gomez

Legal Assistant to Bruno J. Jagelski

Yturri Rose LLP

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RIZZO MATTINGLY BOSWORTH PC

January 11, 2021

VIA EMAIL ONLY IN LIGHT OF COVID-19

Hon. Patricia Sullivan
U.S. Magistrate Judge
U.S. District Court, District of Oregon
104 SW Dorion Ave, Second Floor
Pendleton, OR 97801-2124
E-mail: Desiree_StGermain@ord.uscourts.gov

Re: *A.F., E.F. v. Christopher Evans, et al.* 2:18-cv-01404-SU; 2:19-cv-01056-SU

Dear Judge Sullivan:

I write in response to the Court's Minute Order dated January 7, 2021, and in advance of the conference scheduled for January 13, 2021. As discussed below, there are three matters at issue.

Background

On October 23, 2018, A.F. served requests for production on each individual state defendant (Evans, Lemon and Turner), Janie Burcart, and DHS. In pertinent part, A.F. sought relevant communications between and among these parties.

On September 18, 2020, fact discovery closed, with the exception of Turner's continued deposition. Plaintiffs had deposed the individual state defendants, Burcart and Dall, DOJ AAG Amy Hall, who represented DHS in the dependency proceeding, and DHS Foster Care Coordinator ("FCC") Billy Cordero. On October 19, 2020, Plaintiffs filed summary judgment motions against the state defendants' affirmative defenses of limitations and qualified immunity. The individual state defendants also filed motions for summary judgment on their qualified immunity defenses.

On November 10, 2020, the state defendants produced a privilege log that is dated November 6, 2020. The log was produced more than two years after A.F.'s discovery requests were served. Prior to November 10, the state defendants provided no notice that they were withholding approximately **315** communications between and among the individual defendants, including Burcart and Cordero (150 – 465) and approximately **18** case notes (465 – 483).

RIZZO MATTINGLY BOSWORTH PC

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EXHIBIT 11

Hon. Patricia Sullivan
 A.F., E.F., v. Evans, et al
 January 11, 2020
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Along with the log, the state defendants produced a previously undisclosed May 13, 2013, e-mail exchange between Burcart and Evans (discussed below), and they continue to inexplicably withhold another e-mail (367) between these actors. The state defendants concede that they engaged in delay, but now claim that because Plaintiffs settled their professional malpractice claims with Burcart for “her coverage limits” they cannot have not suffered “any actual prejudice.” The state defendants are wrong.

1. The late privilege log

For ease of review, Plaintiffs have grouped the myriad communications and materials and have attached a color-coded copy of the log, attached as Exhibit 1. The attachment should be treated as Confidential under the Protective Order.

A. *Evans, Turner and Lemon communications*

Category 1: The state defendants withheld communications 157 and 158 exchanged between Evans and Turner, claiming that “Email re Preparing request for legal advice” is “Work Product”; 163, claiming that “Email re request for legal advice regarding dependency allegations” is “Attorney Client;” 294, claiming that “Court Report Fitzgerald DRAFT.docsx.msg” is an “Email re request for legal advice” that is “Work Product”; 318, claiming “Email review of draft” is “Work Product.” Meanwhile, e-mail 320 – which Evans wrote to himself as an “Email re hearing preparation” was withheld as “Work Product” and 355 (also self-addressed) was withheld claiming that a “Dist. 13 Proposed AAG Staffing for the afternoon of Sept. 24 mtg.” is “Work Product”; and that 366, “Email re client communications regarding permanency strategy” falls under “Attorney Client; Work Product.” The same is true for 384 (self-addressed). No attorney was copied on any of the foregoing communications. These communications are highlighted in green.

Category 2: The state defendants withheld communications with other DHS personnel and third parties sent/received by Evans, Turner and Lemon: 175, 191, 194, 195, 201, 214, 216, 223, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 288, 314, 315, 316, 340, 341, 365, 395, 406, 407, 408, 411, 413, 414, 415, 416, 417, 450, 451, 457. The state defendants assert “Work Product” and/or “Attorney Client,” but no attorney is copied. These communications are highlighted in orange.

B. *Amy Hall communications*

Hall testified that DHS was her client. She also acknowledged that DHS paralegals placed her “Attorney-client privileged” in the OR-Kids database, which was accessible to all caseworkers and supervisory personnel. For example, Hall was examined without objection on her 8/22/13 e-mail (345) and others that were available for agency-wide review in the OR-Kids system. (Ex. 2 at 2-6).

Category 1: Claiming “Attorney Client” and/or “Work Product,” the state defendants withheld the following communications that Hall *sent* to the named defendants and other DHS personnel: 150, 152, 164, 165, 173, 181, 213, 218, 220, 225, 230, 233, 235, 243, 246, 261, 263, 266, 267, 276, 269; 270, 271, 273 and 275 (self-addressed e-mails regarding “prtcas-000001, 02 and 03.msg[s]”), 277, 280, 282, 283,

Hon. Patricia Sullivan
 A.F., E.F., v. Evans, et al
 January 11, 2020
 Page 3

287, 292, 298, 299, 303, 306, 308, 310, 321, 334, 336, 339, 345, 353, 360, 367, 368, 373, 375, 378, 389, 392, 394, 402, 404, 441.

Category 2: Likewise, claiming “Attorney Client” and/or “Work Product,” they withheld communications that Hall *received* from the named defendants and other DHS personnel: 151, 159, 160, 161, 162, 166, 167, 170, 176, 179, 185, 215, 217, 221, 224, 231, 232, 234, 236, 238, 242, 244, 245, 262, 264, 265, 268, 278, 279, 281, 286, 289, 290, 291, 293, 295, 297, 300, 301, 302, 304, 317, 323, 335, 337, 346, 361, 363, 369, 370, 371, 372, 374, 376, 377, 390, 393, 398, 399, 400, 401, 403, 405, 437, 438, 440 and 464. Hall received e-mail 397 from an unidentified author. These communications are highlighted in yellow.

C. Cordero, Anderson, and defendants’ communications

FCC Cordero provided “coaching on policy, practice regarding certification of foster families in Oregon.” (Ex. 3 at 2). On occasion, Cordero worked with DOJ attorney, John Anderson. Cordero and Anderson instructed the individual defendants on applying certification rules to Grandfather’s pending foster care application.¹ Claiming “Work Product,” the state defendants withheld Cordero’s 6/3/13 e-mails, *see* 418, 419, 420; Lemon’s 6/3/13 e-mails to Cordero, Anderson and Gohring, *see* 442, 443, 444, 445, 446, 447; and Cordero’s 4/16/13 e-mails. *See* 422, 423, 424, 425, 426, 427. These communications are highlighted in red.

D. Janet Gohring communications

Gohring was the DHS “branch paralegal.” (Ex. 2 at 3-4).

Category 1: Claiming “Attorney Client” and/or “Work Product,” the state defendants withheld communications between Gohring and Evans/Turner, and other DHS personnel, as follows: 152, 153, 154, 155, 156, 172, 174, 175, 178, 187, 193, 196, 197, 199, 200, 222, 226, 228, 312, 324, 325, 326, 329, 364, 456, 459, 460, 461 and 462. Again, no attorney was copied. These communications are highlighted in blue.

Category 2: Claiming “Attorney Client” and/or “Work Product,” the state defendants withheld Gohring communications with Hall and other personnel: 168, 169, 171, 177, 182, 186, 207, 209, 210, 212, 219, 229, 237, 239, 284, 307, 311, 327, 331, 333, 343, 347, 349, 351, 354, 356, 358, 362. They also withheld Gohring communications with Anderson and other personnel: 379, 381, 383, 385, 386, 387, 391, 448, 452, 455.

¹ On October 6, 2020, the Court ruled in part that DHS waived privilege regarding the June 11, 2013, staffing with Anderson, adding that the waiver “does not extend to any other privileged documents, including documents of the same type.” (*See* ECF 178 at 5, Opinion & Order; *see also* Exhibit 4 to the Mitchell Declaration, ECF 166 at 7 – 19).

Hon. Patricia Sullivan
 A.F., E.F., v. Evans, et al
 January 11, 2020
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Category 3: The state defendants further withheld attachments in connection with Gohring's communications, using anodyne descriptors such as "Email_Attachment re advice and circulation of drafts regarding dependency petition." *See* 183, 184, 192, 198, 202, 203, 227. They withheld 328, 330, 350 352 and 396, using descriptors such as "Email_Attachment re requests for legal advice," "re attorney advice requests," "re attorney advice planning," etc. There is no indication that these materials were drafted by an attorney. These materials are highlighted in pink.

E. Communications that contain insufficient information

For example, 180 concludes that "Email_Attachment re attorney-client communications regarding dependency allegations" is "Attorney Client; Work Product." But no author or recipient is identified. Likewise, 208, an e-mail attributed to "LSOMNER" was withheld for the same reason. *Cf.*, 211, 240, 241, 272, 276, 285, 296, 319, 332, 342, 344, 348, 357, 359, 429, 436, 449, 453. Plaintiffs cannot evaluate these boilerplate "privilege" assertions and for that reason have not highlighted these materials.

Argument

The Court has asked that Plaintiffs clarify their requested relief. Absent an understanding of the facts contained and withheld in these myriad communications, it is difficult to specify an appropriate relief. Plaintiffs therefore seek the following, initial relief, and reserve the right to seek additional relief.

First, the Court should find that the delay in providing the log constitutes a waiver, and find that the waiver extends to other privileged documents, including documents of the same type.

Rule 26(b)(5)(A) requires that "when a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material, the party must: (i) expressly make the claim; and (ii) describe the nature of the documents . . . not disclosed – and do so in a manner that . . . will enable other parties to assess the claim." Under Rule 34(b)(2)(A), the state defendants had 30 days to respond to A.F.'s discovery request and state the reasons why the requested materials were being withheld and the basis of the objection.

In *Burlington Northern & Santa Fe Ry v. U.S. Dist. Court*, 408 F3d 1142 (9th Cir. 2005), the Ninth Circuit ruled as follows:

"[U]sing the [Rule 34(b)] 30-day period as a default guideline, a district court should make a case-by-case determination, taking into account the following factors: the degree to which the objection or assertion of privilege enables the litigant seeking discovery and the court to evaluate whether each of the withheld documents is privileged (where providing particulars typically contained in a privilege log is presumptively sufficient and boilerplate objections are presumptively insufficient); the timeliness of the objection and accompanying information about the withheld documents (where service within 30 days, as a default guideline, is sufficient); the magnitude of the document production; and other particular circumstances of the litigation that make responding to discovery unusually easy (such as, here, the fact that many of the same documents were the subject of discovery in

Hon. Patricia Sullivan
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 January 11, 2020
 Page 5

an earlier action) or unusually hard. These factors should be applied in the context of a holistic reasonableness analysis, intended to forestall needless waste of time and resources, as well as tactical manipulation of the rules and the discovery process.” *Id.* at 1149.

The *Burlington Northern* court affirmed the district court’s finding of waiver “[w]here the log not only was not filed during the Rule 34 time limit, but was filed *five months* later. The court concluded that “[i]n the absence of mitigating considerations, this fact alone would immunize the district court’s ruling from reversal under the standard just articulated.” *Id.* Here, the state defendants’ log was produced *more than two years* after A.F.’s discovery requests. In addition, having waited to deliver the log until after discovery closed, the state defendants knowingly sought to deprive Plaintiffs of any opportunity to bring issues to the Court’s attention or to use any of the documents to prove their claims.

Secondly, if the Court finds the waiver, as requested, Plaintiffs seek immediate production of the documents to allow Plaintiffs an opportunity to assess their respective positions on the pending summary judgment motions in advance of oral argument on January 19, 2021.

2. Undisclosed Evans/Burcart communications

Plaintiffs alleged that in connection with A.F.’s dependency case, Burcart was required to determine A.F.’s “express wishes” about where he wanted to live and zealously advocate for that position. However, Burcart intentionally chose to substitute her judgment for her client’s judgment and advocated instead for what she claimed was in his “best interest,” which is the standard that DHS is required to use. Burcart thereby aligned herself with DHS’s guardianship plan centering on Campbell. Unsurprisingly, Burcart on deposition had no recollection of ever telling the court that the boys wanted to live with their Grandfather rather than placed with Campbell who abused them, and she repeatedly claimed (without any supporting documentation in her faux client file) that both she and Dall represented the boys’ “best interest” in court. That testimony was useful to create the appearance of a “unified front,” beneficial to the state defendants as well as the PLF.

Yet, the state defendants were withholding a 5/13/13 e-mail exchange between Evans and Burcart that undermines this joint defense stratagem. The exchange shows that, in advance of the 5/28/13 “emergency” review hearing, Evans notified Burcart that Grandfather “does not want the children to go to Derric [Campbell] AT ALL.” Burcart lamented about “Poor Derric” and advised Evans that “[n]ow I have to decide if I can argue for what *I know is best* for the boys or what *they tell me they want*.” (Ex 4) (emphasis added).

The withheld e-mail was not made available to Plaintiffs when they deposed Burcart,² Evans, Turner, or Hall. It was not privileged, and was relevant to show that Burcart’s was a state actor under § 1983 for whom DHS is jointly liable. The disclosure shows that Burcart believed that she was working in close collaboration with DHS and that (contrary to her sworn deposition testimony) she questioned the standard of representation. Knowing the boys wanted to live with their Grandfather, Evans agreed with Burcart to “ensure” that the boys would not appear in court to tell the court where they wanted to live, which violated

² Burcart did not produce this e-mail either.

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 January 11, 2020
 Page 6

their due process right to appear. (*See* A.F. Mot. for Summary Judg., ECF 194 at 11-12). Moreover, in contravention to Evans' exculpatory summary judgment argument that the family was "homophobic," Burcart noted that "gay doesn't matter to anyone." Accordingly, the e-mail was likewise a lost opportunity to rebut the state defendants' qualified immunity argument.

Consequently, the Court should allow Plaintiffs to supplement their respective summary judgment motions with this information and preclude the state defendants from rebutting its use. The Court should also consider an award of monetary sanctions.

Relatedly, claiming "Attorney Client; Work Product," the state defendants are withholding another e-mail between Evans and Burcart (367), dated October 3, 2013. There is no reason for this withholding. It cuts against Ms. Chin's assertion that "[a]ny communication involving Ms. Burcart in the first instance copying a DHS or DOJ employee would not be privileged. . . ." The Court should order this document to be produced immediately and allow Plaintiffs an opportunity to assess their respective positions in advance of oral argument.

3. Turner's continued deposition

There was no legitimate basis for counsel to instruct DHS supervisor Turner to not answer the question on deposition regarding how much time she spent reviewing the interrogatory responses prior to signing them. On October 1, 2020, the Court ordered the witness to answer this question and the instruction not to answer it was in derogation of the order.

The state defendants' January 4, 2021 letter indicates that their counsel has now "conferred with the witness," whose "answer to the question would be 'five to ten minutes.'" This conferral establishes that the question did not seek an attorney-client communication. Counsel is not the witness and his assessment is not admissible evidence. Counsel's prediction that "any further inquiry along this line would be privileged" represents an attempt to preclude Plaintiffs from asking reasonable follow up questions on the record. Moreover, while the state defendants may regard the formal completion of Turner's deposition as a "minor issue," it is not: As a result of DOJ's objections and instructions, this was the third time Plaintiffs had to prepare for and take the deposition, pay for the court reporter and incur transcription fees.

Plaintiffs seek to complete Turner's deposition, on the record, and, this time, request the Court to order the state defendants to pay for the court reporter and transcription fees.

Thank you for your consideration of these points.

Sincerely,

/s/Steven Rizzo

Steven Rizzo



RIZZO MATTINGLY BOSWORTH PC

January 1, 2021

VIA EMAIL ONLY IN LIGHT OF COVID-19

Hon. Patricia Sullivan
US Magistrate Judge
US District Court, District of Oregon
104 SW Dorion Ave, Second Floor
Pendleton, OR 97801-2124
E-mail: Desiree_StGermain@ord.uscourts.gov

Re: *A.F., E.F. v. Christopher Evans, et al.* 2:18-cv-01404-SU; 2:19-cv-01056-SU

Dear Judge Sullivan:

I am writing to apprise the Court of discovery issues and seek a conference with the Court to discuss a briefing schedule.

In summary, there are two issues: (i) instructions provided by counsel to not answer during the continued deposition of defendant-supervisor Krista Turner ordered by the Court and (ii) the State Defendants' untimely production – following the close of discovery – of a privilege log which reflects that hundreds of e-mails were withheld during the discovery.

Thank you for your consideration of this request.

Sincerely,

/s/Steven Rizzo

Steven Rizzo

Cc: All Counsel

RIZZO MATTINGLY BOSWORTH PC

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Suite 330
Portland, OR 97201
T: 503.229.1819 | E: 503.229.0630
EXHIBIT 12

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 PENDLETON DIVISION

4

5 AF,)
)
 6 Plaintiff,)
)
 7 vs.) No. 2:18-cv-01404-SU
)
 8 CHRISTOPHER EVANS, et al,) January 13, 2021
)
 9 Defendants.) Portland, Oregon
)
 10 EF)
)
 11 Plaintiff,)
)
 12 vs.) No. 2:19-cv-01056-SU
)
 13 CHRISTOPHER EVANS, et al,)
)
 14 Defendants.)

15

16 TRANSCRIPT OF PROCEEDINGS

17 (Status Conference)

18

19 BEFORE THE HONORABLE PATRICIA SULLIVAN

20 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

21

22

23 Court Reporter: Ryan White, RMR, CRR, CSR/CCR
 24 United States District Courthouse
 25 1000 SW 3rd Avenue, Room 301
 Portland, Oregon 97204
 (503) 326-8184

APPEARANCES

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For State Defendants: DEPARTMENT OF JUSTICE
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Portland, Oregon 97201
(971) 673-1880

1 involving the two children, and also the certification file and
2 application of the grandparents. I think that's the universe of
3 documents.

4 THE COURT: Now, those documents may or may not be
5 privileged. The state will argue that they are.

6 I am not going to do an in camera inspection of those
7 documents and instead I will remind counsel that my decisions
8 about discovery are discretionary.

9 And in this case what I'm going to tell you is,
10 because of the tardy nature of the privilege log -- I just can't
11 believe how this has all come about. It's too late. I mean,
12 they can't produce a privilege log two years after the
13 litigation starts and then say, "Oh, we didn't give you these
14 documents." They never indicated they even had the documents
15 until they -- and then they give you a privilege log. So that's
16 too late.

17 All of the documents in the privilege log, then,
18 should be produced because, if there is a privilege, it's been
19 waived.

20 I can't -- I can't really even understand how the
21 state allows this kind of sloppy practice. But that's all I'm
22 going to say about that.

23 I don't want to be too critical. I know there has
24 been some issues that have been raised before. I know Mr. Smith
25 was quite ill for a while. I know that the DOJ is overworked

1 and the people are underpaid. But those are not excuses for the
2 dilatory nature of producing this privilege log.

3 So I'm going to allow production of all of the
4 documents that are involved with the privilege log. And,
5 believe me, if there are any other documents that counsel and
6 the Court does not know about, they better be forthcoming.

7 MR. SMITH: Your Honor?

8 THE COURT: Am I making myself clear, Mr. Smith?

9 MR. SMITH: You are, Judge.

10 MS. CHIN: Your Honor? Your Honor, this is Eleanor
11 Chin.

12 THE COURT: Yes.

13 MS. CHIN: Since I was responsible for the production
14 of the privilege log, can I add a couple of sort of facts to
15 Mr. Rizzo's determination or Mr. Rizzo's statements regarding
16 when we advised of the privilege?

17 THE COURT: You can. It's not going to make any
18 difference because I've decided what I'm going to do.

19 MS. CHIN: No, no. I understand that, Your Honor, but
20 we did not in fact do what Mr. Rizzo said as late as we did. We
21 gave the -- we gave counsel a privilege log in January of 2020.
22 So over a year ago we gave Mr. Rizzo a privilege log and --

23 THE COURT: Excuse me for interrupting. That is well
24 over a year after your first response to his request for
25 production at which time you made no representations that you

1 were going to claim privilege but yet you withheld documents.

2 MS. CHIN: I believe we did have a general objection
3 to producing documents on the basis of privilege in that
4 pleading.

5 THE COURT: I'm not buying that. I'm sorry, Ms. Chin.
6 I'm not buying it. The privilege log then came a year later?
7 That's not good enough. Okay?

8 So what I'm telling you is all of the documents that
9 you claim privilege, the privilege has been waived and they will
10 be produced to plaintiff.

11 And I understand what you're saying, but -- and I
12 understand some of the constraints that the state has had over
13 the past couple of years including Mr. Smith's illness and the
14 COVID, but this case has been pending now -- we're going into
15 the third year.

16 And I am -- I have had myriad discussions with all of
17 you about discovery. And I don't want to accuse the state of
18 hiding the ball, but I do believe that the state has not been
19 forthcoming with the discovery that should have been produced
20 and now it is going to be produced.

21 Now, the next thing is the deposition testimony which
22 Mr. Rizzo is now satisfied with Mr. Smith's or Ms. Chin's
23 remarks about that.

24 And so, Mr. Rizzo, would you be -- would you be
25 satisfied with an affidavit about the testimony?

1 MR. RIZZO: Yes, Your Honor.

2 THE COURT: Okay. So Mr. Smith and Ms. Chin, you'll
3 get an affidavit from the deponent and you will include the
4 amount of time she spent looking at the -- or that she
5 was -- the interrogatories, were they?

6 MR. RIZZO: Yes, Your Honor.

7 THE COURT: Okay. So I'll expect Ms. Chin and/or
8 Mr. Smith to get that affidavit to Mr. Rizzo and Ms. Mitchell
9 promptly, and by that I mean within the next 10 days.

10 MR. SMITH: We will, Your Honor.

11 THE COURT: Okay. Thank you.

12 Actually, 15 days would be okay because I'm going to
13 allow 15 days for the state to produce the documents which are
14 listed on the privilege log in their entirety.

15 And to the extent that those documents are already
16 produced, that doesn't matter, you -- or that you claim have
17 already been produced, that doesn't matter because I'm going to
18 ask you to produce every document that is listed on that
19 privilege log un-redacted. Okay? Understood?

20 MR. SMITH: Understood, Judge.

21 THE COURT: Okay. Now, what I think is going to be
22 required here, we have -- a week from now we have an oral
23 argument. And the issues involved in the oral argument are the
24 statute of limitations, which in my mind is a fairly weak
25 defense for the defendant, but I'm not going to rule on that

1 right now.

2 I am going to -- and the other issues are -- the other
3 issue of some consequence are the issues of deliberate
4 indifference with regard to (indiscernible) and the issue of
5 qualified immunity with regard to the individuals.

6 Now, I will say this: These cases have been cited in
7 your briefing. One is Judge Acosta's case, *AG v. DHS*, and the
8 other one is a Ninth Circuit case, *Henry A. v. Willden*, out of
9 Nevada. And you have cited those cases, so I don't need to give
10 you the citations.

11 And I want you to re-review those cases with regard to
12 the arguments that you have presented because after the 15 days
13 that I have given defendants to produce the documents to
14 plaintiff, I am going to allow 30 days from the time that the
15 plaintiff receives those documents to file a supplemental
16 briefing. I don't care how long or short it is if you find in
17 those documents information that is pertinent to your arguments.

18 Then I will allow 15 days from the receipt by
19 defendants of your brief or the receipt of the plaintiff's brief
20 by the Court, I will allow 15 days for defendant to respond. I
21 won't ask for any replies.

22 Understood?

23 MR. RIZZO: Yes, Your Honor.

24 THE COURT: Mr. Smith?

25 MR. SMITH: I got it, Judge.

1 THE COURT: Okay. Now, I admonish you both to read
2 those two cases because I've read the briefing that you've
3 already submitted and, frankly, from where I sit right now, I
4 don't think -- I don't think defendants have a very strong case
5 on qualified immunity. I think this case is going to go to
6 trial. That's -- that's after I look at your amended briefing
7 and fully study all the cases that you cite and hear your oral
8 arguments. I, at this point -- and I could change my mind. I,
9 at this point, am inclined to allow plaintiffs to go forward
10 with their case.

11 You know, this is a real tragic case. I've looked at
12 the facts, I've looked at the issues, and I'm frankly quite
13 disappointed in the state's behavior and in the way the
14 litigation has been conducted. But I'm not trying to prejudge
15 the motions. But when I see a case that is in this posture,
16 I think it's only fair for me to tell you how I am going to be
17 inclined to rule.

18 With that in mind, I have Mr. Rizzo's motion to amend
19 and I have -- this is the second amended complaint, Mr. Rizzo?

20 MR. RIZZO: I believe that's correct, Your Honor.

21 THE COURT: And essentially what we're doing here is
22 eliminating Ms. Ms. Burcart as a defendant and Mr. Dall as a
23 defendant?

24 MR. RIZZO: Yes, Judge.

25 THE COURT: And are there any other substantive



RIZZO MATTINGLY BOSWORTH PC

March 19, 2021

VIA EMAIL ONLY IN LIGHT OF COVID-19

Hon. Patricia Sullivan
U.S. Magistrate Judge
U.S. District Court, District of Oregon
104 SW Dorion Ave, Second Floor
Pendleton, OR 97801-2124
E-mail: Desiree_StGermain@ord.uscourts.gov

Re: *A.F., E.F. v. Christopher Evans, et al.* 2:18-cv-01404-SU; 2:19-cv-01056-SU

Dear Judge Sullivan:

I am writing in regard to the Court's Minute Order dated March 18, 2021, granting the state defendants' motion to compel another settlement conference.

In support of the motion, Mr. Smith declared vaguely that "Counsel for the parties have had some discussions about a settlement conference, but neither plaintiff agreed to participate." It is correct that, in advance of the filing of the motion, counsel for Plaintiffs did in fact confer with Mr. Smith. That Plaintiffs did not agree to participate in settlement discussions is inaccurate.

Rather, we related our concerns stemming from the state defendants' handling of the previous settlement conference and stressed the need to avoid a waste of time and resources, including judicial resources, in undertaking a second conference dealing with the same issues.

Plaintiffs made several suggestions in an effort to develop a mutual approach to the conference, including an offer to jointly contact Judge McShane in advance to discuss our concerns and obtain his feedback. Mr. Smith rejected each of our suggestions.

So, we advised that Plaintiffs would oppose the motion. In response thereto, Plaintiffs intended to relate our concerns in an effort to lay the groundwork for a meaningful and productive conference.

That said, Plaintiffs do not seek to revisit the order compelling the parties to attend the conference, and will proceed to discuss the concerns directly with Judge McShane.

RIZZO MATTINGLY BOSWORTH PC

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EXHIBIT 14

Hon. Patricia Sullivan
A.F., E.F., v. Evans, et al
March 19, 2021
Page 2

Thank you for your consideration.

Sincerely,

/s/Steven Rizzo

Steven Rizzo

Cc: All Counsel

EXHIBIT 15
FILED UNDER
SEAL PURSUANT
TO THE
PROTECTIVE
ORDER [ECF 253]

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JILL SCHNEIDER #001619
Senior Assistant Attorneys General
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Attorneys for Defendants Christopher Evans, Krista Turner, Susan Lemon, and The Oregon
Department of Human Services (DHS)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

<p>A.F., Plaintiff, v. CHRISTOPHER EVANS, in his individual capacity; SUSAN LEMON, in her individual capacity; KRISTA TURNER, in her individual capacity; THE OREGON DEPARTMENT OF HUMAN SERVICES (“DHS”), a government agency; and JANE or JOHN DOE DEFENDANTS 1-4, in their individual capacities, Defendants.</p>	<p>Case No. 2:18-cv-01404-SI (Lead Case for Purposes of Discovery) DEFENDANT DHS’ AMENDED RESPONSES TO PLAINTIFF AF’S INTERROGATORIES TO DHS</p>
<p>E.F., Plaintiff, v. CHRISTOPHER EVANS, in his individual capacity; KRISTA TURNER, in her individual capacity; SUSAN LEMON, in her individual capacity; THE OREGON DEPARTMENT OF</p>	<p>Case No. 2:19-cv-01056-SI DEFENDANT DHS’ AMENDED RESPONSES TO PLAINTIFF AF’S INTERROGATORIES TO DHS</p>

Page 1 - DEFENDANT DHS’ AMENDED RESPONSES TO PLAINTIFF AF’S
INTERROGATORIES TO DHS

JSS/sm5/

HUMAN SERVICES ("DHS"), a government agency; and JANE or JOHN DOE DEFENDANTS 1-5, in their individual capacities,

Defendants.

GENERAL OBJECTIONS

Defendant State of Oregon (hereafter "State" or "Defendant") objects to interrogatories which encroach upon the attorney-client privilege. The State further objects to plaintiff's first set of interrogatories to the extent they exceed the scope of discovery allowed by the Federal Rules of Civil Procedure (FRCP).

Defendant DHS objects to plaintiff AF's definitions to the extent that those definitions try to define "ODHS" to include employees, former employees and persons who were never employees of DHS. The defendant's responses will be for DHS, not for the expanded definition of what constitutes "ODHS" in plaintiff AF's definitions.

INTERROGATORIES

Defendant Oregon Department of Human Services (DHS) amends its responses to Plaintiff AF's Interrogatories as follows:

INTERROGATORY NO. 11: Explain how each allegedly negligent act or omission referenced in response to Interrogatory NO. 10 impacted or interfered with ODHS's certification of Derric Campbell.

RESPONSE: Assuming "impacted or interfered with" in #11 means to hinder, defendant ODHS responds to #11 as follows:

Paragraphs 129 and 159 of AF's Amended Complaint allege 39 separate ways in which the lawyer defendants were negligent. Many of the allegedly negligent acts had no impact on certification, since the errors or omissions alleged were after the guardianship was established. The ODHS certification process relies upon the agency receiving accurate and complete information. For alleged negligent acts or omissions which predated or coincided with the certification, if the acts of the lawyer defendants prevented ODHS from receiving accurate and complete information, those acts hindered the certification process. But ODHS cannot describe the exact manner in which the lawyers' actions hindered certification without speculating or guessing as to what information would have been received had the lawyers not been negligent. Neither can ODHS speculate as to how the lawyers' interactions with their respective clients impacted the accuracy or completeness of the information ODHS received.

DATE: 03/17/2022



CHRIS BLACK

CERTIFICATE OF SERVICE

I certify that on March 17, 2022, I served the foregoing DEFENDANT DHS' AMENDED RESPONSES TO PLAINTIFF AF'S INTERROGATORIES TO DHS upon the parties hereto by the method indicated below, and addressed to the following:

Mary Skjelset
Steven Rizzo
Rizzo Mattingly Bosworth PC
1300 SW Sixth Avenue, Suite 330
Portland, OR 97201
Of Attorneys for Plaintiff AF

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☒ E-MAIL
☐ E-SERVE

Caitlin Mitchell
Jennifer J. Middleton
Johnson, Johnson, Lucas & Middleton, PC
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Eugene, OR 97401
Of Attorneys for Plaintiff EF

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☒ E-MAIL
☐ E-SERVE

s/ James S. Smith
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Of Attorneys for Defendants Christopher Evans,
Krista Turner, Susan Lemon, and The Oregon
Department of Human Services (DHS)

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

A.F.,)	
)	
Plaintiff,	)	Case No.
)	
vs.	)	2:18-cv-01404-SI
)	
CHRISTOPHER EVANS, et al.)	
)	
Defendants.)	
)	
<hr/>		
E.F.,)	
)	
Plaintiff,	)	Case No.
)	
vs.	)	2:19-cv-01056-SI
)	
CHRISTOPHER EVANS, et al.)	
)	
Defendants.)	
)	
<hr/>		

VIDEOTAPED DEPOSITION OF JOHN ANDERSON
Taken at the instance of the Plaintiffs

April 1, 2022
10:00 a.m.
Via Videoconference

BRIDGES REPORTING & LEGAL VIDEO
Certified Shorthand Reporters
P. O. Box 223
Pendleton, Oregon 97801
(541) 276-9491 - (800) 358-2345

1 BE IT REMEMBERED that the videotaped
2 deposition of JOHN ANDERSON was taken in behalf of the
3 Plaintiffs pursuant to the Federal Rules of Civil
4 Procedure before William J. Bridges, Professional
5 Shorthand Reporter for Oregon, on Friday, the 1st day
6 of April, 2022, via videoconference, commencing at the
7 hour of 10:00 a.m.

8
9 * * *

10
11 APPEARANCES:

12
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23 Oregon Department of Justice
24 1162 Court Street N.E.
25 Salem, OR 97301
(503) 947-4700
elleleanor.chin@doj.state.or.us

Also present: VIKTOR BEZMEN, videographer

1 Q. Do you remember generally what the
2 practice standards were that you used in the 2001 to
3 2006 time period?

4 A. Mr. Rizzo, respectfully, I don't. That
5 was many years ago.

6 Q. So I take it you wouldn't volunteer
7 yourself as an expert in that area.

8 Correct?

9 A. In -- in representing --

10 Q. In practice standards in a juvenile
11 dependency proceeding, for example.

12 A. I wouldn't . . . I wouldn't say I was an
13 expert in that, no.

14 Q. So, what did you do after MPD?

15 A. So, there was -- You know, I worked there
16 until about 2004. My son was born. I quit for
17 about a year, again.

18 Went back to MPD. Again, they put me
19 back into misdemeanors. So I did misdemeanors for a
20 little while. And then back into juvenile.

21 And I was at MPD until about two thousand
22 -- it may have been -- it was about 2005, I think,
23 now that I think about it. I'm sorry. I'm trying
24 to retrace those dates.

25 Q. I understand. And then what did you do

1 A. Sure. Sure. I guess it's been about an
2 hour.

3 MS. CHIN: Does it make sense if we
4 take a break now than to take a longer break
5 sometime between 12 and 12:30? Is that what you're
6 thinking?

7 MR. RIZZO: I would be fine with
8 that.

9 MS. CHIN: Okay.

10 MR. RIZZO: Yeah. We have that two
11 o'clock call. So we will have to break for that.
12 So we might as well plan around it. All right. So
13 we will just take 10.

14 THE VIDEOGRAPHER: Going off the
15 record at 11:09 a.m.

16 | (Short recess).

17 THE VIDEOGRAPHER: Going back on the
18 record at 11:22 a.m.

19 Q. (BY MR. RIZZO:) Who is Chris Black?

20 A. Chris Black is -- He works at DHS. I
21 think he's currently the District Manager of Baker,
22 Union and Wallowa County, which is District 13.

23 Q. So you work with him currently, right?

24 | A. I -- Yes.

25 Q. Does he report to you?

1 A. No.

2 Q. But you and he have conversations about
3 certification matters in cases?

4 A. No, not really. As -- I have
5 conversations with him now because I manage
6 attorneys out of -- who represent DHS in his
7 counties.

8 So, I don't recall if Chris Black talks
9 about certification issues.

10 Q. Have you talked to Mr. Black recently?

11 A. Yes.

12 Q. When was the most recent contact?

13 A. So, I was recently, because, again, like
14 I mentioned, I manage attorneys in that part of the
15 state. Two weeks ago I was out there and I met with
16 Mr. Black just briefly.

17 Q. And he didn't tell you about this
18 lawsuit?

19 A. No.

20 Q. He didn't tell you that he signed
21 interrogatories?

22 A. No.

23 Q. And he didn't send those interrogatories
24 to you prior to signing them?

25 A. No. No.

1 Advocacy Section. What was that? Tell me what that
2 means.

3 A. DOJ has a number of sections. You know,
4 there are a number of divisions. In the Civil
5 Enforcement Division, one of the subsets is the
6 Trial Advocacy Section. And the attorneys in that
7 section are the attorneys that represent DHS in
8 juvenile dependency cases.

9 Q. So, you had expertise in the DHS
10 certification policies, procedures and practices,
11 correct?

12 A. I -- I -- I don't know if I would say I
13 had expertise. I would say that I was assigned to
14 Certification at that point, and I worked with DHS
15 on certification matters.

16 Q. But you were asked to weigh in on whether
17 a certification applicant met the criteria or
18 whether that person for whatever reason did not meet
19 it.

20 Correct?

21 A. I don't know if my job was to say they
22 met it. My job was to talk with DHS to see whether
23 or not, what the next steps would be, and whether or
24 not, you know --

25 Because these cases are handled at the

1 day care provider even though she is not
2 appropriate."

3 Do you see that?

4 A. I do see that.

5 Q. So that's the second time the word
6 "appropriate" is attributed to you.

7 Do you have a better memory now of what
8 you mean, or -- or what you meant by use of the
9 term "appropriate"?

10 A. I don't recall the context of that, no.

11 Q. And then in the second aspect, number
12 two, it reads, "Would not support DHS' case plan as
13 already demonstrated by [REDACTED]'s
14 underhanded back-door stuff regarding the dad
15 [REDACTED]) after he gets out of jail."

16 Do you see that?

17 A. I do see that sentence, yes.

18 Q. Okay. Did you call Mr. [REDACTED] under-
19 handed?

20 A. I don't recall. I don't recall if those
21 were my words.

22 Q. So, if you would turn to Exhibit 72.
23 That's the jail recording that was sent to you for
24 your review.

25 A. Yes.

1 Q. Would you identify what portion or what
2 statements [REDACTED] made that led you to
3 believe he was underhanded?

4 MS. CHIN: Objection to form.

5 THE WITNESS: Mr. Rizzo, I don't
6 believe I -- I don't have a memory of reviewing the
7 jail recording.

8 Q. (BY MR. RIZZO:) Well, it was sent to
9 you, right? We established that in the prior
10 staffing, didn't we? You asked for it.

11 MS. CHIN: Objection to the form.

12 THE WITNESS: I don't recall if I
13 reviewed this jail recording, Mr. Rizzo.

14 Q. (BY MR. RIZZO:) It was sent to you, Mr.
15 Anderson.

16 Correct?

17 A. And I would reiterate, I don't recall. I
18 don't recall seeing it. I don't -- I couldn't say
19 for sure if it was sent to me.

20 Q. Well, Mr. Anderson, in Exhibit 7, page
21 144, you're saying "would not support DHS' case plan
22 as demonstrated by [REDACTED]'s underhanded
23 back-door stuff regarding the dad ([REDACTED]
24 [REDACTED]) after he gets out of jail."

25 Wasn't that based on your review of the

1 jail transcript?

2 A. I don't recall.

3 Q. Well, how would you have made that
4 statement, then, without having reviewed the
5 transcript?

6 A. I am also not -- I can't tell you for
7 sure that that was my terminology, "underhanded
8 back-door stuff." I don't know if that's something
9 I wrote or conveyed. I just don't recall.

10 Q. Well, Mr. Anderson, that sentence starts
11 out with, quote, "AAG John has concerns" and the
12 concerns are listed as 1, 2 and 3, which we will
13 discuss next.

14 So, are you denying that those were your
15 concerns?

16 A. I -- I -- What I am saying, Mr. Rizzo, is
17 I just don't recall.

18 Q. Do you have any reason to deny those were
19 your concerns?

20 A. Reason to -- Mr. Rizzo, all I'm telling
21 you is this occurred several years ago. I just do
22 not recall. I just don't.

23 Q. Do you have any reason to believe that
24 statements attributed to you are inaccurate?

25 A. Well, I am not the one that took these

1 notes. So it is hard for me to tell you whether or
2 not they were accurate or inaccurate.

3 Q. So, on page 145, that's the portion that
4 deals with the, quote, "Advice."

5 Do you see that?

6 A. Yes, sir.

7 Q. And it states here that you wanted Susan,
8 Susan Lemon, to finish going through the SAFE Home
9 Study and the Desk Guide Ratings.

10 Is that right?

11 A. That's what that says, yes.

12 Q. What was the SAFE Desk Guide?

13 A. I -- My memory was that that was the --
14 There's some guidance that certifiers use to
15 complete the SAFE Home Study. I think that's what
16 that refers to.

17 Q. And you used that successfully in your
18 revocation and denial legal proceedings.

19 Correct?

20 A. I don't normally -- The Desk Guide isn't
21 necessarily something I would use in my
22 administrative hearings.

23 Q. How about the SAFE Home Study that's
24 premised on the Desk Guide?

25 MS. CHIN: Object to form.

1 Q. And there is a statement in there that it
2 reads "If there is a SAFE Home Study available, AAG
3 John likes to use it as an exhibit at the hearing,
4 it is very powerful evidence."

5 Did you make that statement?

6 A. I don't recall.

7 Q. Was that your belief at the time, that
8 the SAFE Home Study is very powerful evidence?

9 A. Hmm. It's one of the pieces of evidence,
10 I think, I recall using for our administrative
11 hearings.

12 Q. Was it very powerful evidence, is my
13 question.

14 A. Hmm. I -- It was evidence. Very
15 powerful? I don't know if I can rate it, versus
16 other forms of evidence.

17 Q. Well, let's go back to page 144, Mr.
18 Anderson. Okay?

19 A. (Witness complied).

20 Q. Let's just work up from the bottom, the
21 third block of text from the bottom.

22 A. Okay.

23 Q. Right there in the middle it says, "AAG
24 John has used the Desk Guide Ratings in Court
25 hearings and it is very powerful."

1 STATE OF OREGON)
2 County of Umatilla) ss.
3

4 I, William J. Bridges, do hereby certify that
5 at the time and place heretofore mentioned in the
6 caption of the foregoing matter, I was a Notary Public
7 for the State of Oregon; that at said time and place I
8 reported in stenotype all testimony adduced and
9 proceedings had in the foregoing matter; that
10 thereafter my notes were reduced to typewriting and
11 that the foregoing transcript consisting of 127
12 typewritten pages is a true and correct transcript of
13 all such testimony adduced and proceedings had and of
14 the whole thereof.

15 Witness my hand at Pendleton, Oregon, on
16 this _____ day of April, 2022.
17
18
19
20

21 _____
22 William J. Bridges
23 Notary Public of Oregon
24 My certificate expires: 10/10/22
25

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

A.F.,)	
)	
Plaintiff,	)	Case No.
)	
vs.	)	2:18-cv-01404-SI
)	
CHRISTOPHER EVANS, et al.)	
)	
Defendants.)	
)	
<hr/>		
E.F.,)	
)	
Plaintiff,	)	Case No.
)	
vs.	)	2:19-cv-01056-SI
)	
CHRISTOPHER EVANS, et al.)	
)	
Defendants.)	
)	
<hr/>		

VIDEOTAPED DEPOSITION OF WENDY BOURG, PH.D.

Taken at the instance of the Plaintiffs

April 22, 2022

2:08 p.m.

Via Videoconference

BRIDGES REPORTING & LEGAL VIDEO
Certified Shorthand Reporters
P. O. Box 223
Pendleton, Oregon 97801
(541) 276-9491 - (800) 358-2345

1 BE IT REMEMBERED that the videotaped
2 deposition of WENDY BOURG, Ph.D., was taken in behalf
3 of the Plaintiffs pursuant to the Oregon Rules of
4 Civil Procedure before William J. Bridges, Certified
5 Shorthand Reporter for Oregon, Washington and Idaho,
6 on Friday, the 22nd day of April, 2022, via
7 videoconference, commencing at the hour of 2:08 p.m.

8
9 * * *

10
11 APPEARANCES:

12
13
14 For the Plaintiff A.F.: STEVEN RIZZO, ESQ.
15 Rizzo Mattingly Bosworth PC
16 Attorneys at Law
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19 Portland, OR 97201
20 (503) 229-1819
21 srizzo@rizzopc.com

22
23 For the Plaintiff E.F.: CAITLIN V. MITCHELL, ESQ.
24 Johnson, Johnson, Lucas
25 & Middleton
Attorneys at Law
975 Oak Street
Suite 1050
Eugene, OR 97401
(541) 484-2434
cmitchell@justicelawyers.com

1 And so I was focused on what information
2 would bear upon that claim, and was there
3 information that was consistent or inconsistent with
4 that claim.

5 Q. And did you ever receive or review the
6 pleadings in this case, if you know what I mean by
7 that term?

8 A. I do know what you mean by the term
9 pleadings. No, I don't think I reviewed any
10 pleadings.

11 Q. So, do you know who the parties are in
12 the case?

13 A. Well, I know what's listed in the headers
14 that I am exposed to. So, it's A.F. and E.F. versus
15 Evans, Christopher Evans is a DHS case worker.

16 Q. Do you know of any other parties besides
17 those three?

18 A. Well, I think DHS is joined, you know,
19 with Mr. Evans, because of his job title.

20 Q. All right. Any others?

21 A. No. I don't know of any others that are
22 party to the case.

23 Q. So I take it you don't have an
24 understanding, for example, as to what the specific
25 legal issues are in terms of the claims and the

1 history of being suicidal. But the treatment
2 records didn't raise it as a current concern during
3 his time as a foster parent and guardian of the
4 boys.

5 Q. Did you seek any collateral information
6 in terms of, for example, other counseling or
7 medical records?

8 A. No. I did not ask for any specific
9 records to be supplied to me.

10 Q. How about --

11 A. Just my --

12 Q. I'm sorry.

13 A. Oh. Just my role in this case. I do
14 forensic investigations, like custody studies, and
15 there I do make specific requests for records.

16 But in this case I'm reviewing what is
17 supplied to me, and then offering my opinions based
18 on my knowledge, experience and the information
19 supplied.

20 So it's always the case that I could be
21 missing information that would change those
22 opinions.

23 Q. Okay. So, for example, I think I started
24 to mention anyway, the police reports, you didn't
25 have any of the police reports dealing with Mr.

1 Campbell?

2 A. Not dealing with Mr. Campbell. I had
3 police reports dealing with some other family
4 members. But I didn't see any police reports
5 dealing with Mr. Campbell.

6 Q. And I take it, then, you didn't see or
7 review Mr. Campbell's certification file, the DHS
8 certification file?

9 A. I did not.

10 Q. And you didn't see or review the Child
11 Protective Services assessment of Mr. Campbell's
12 abuse?

13 A. No.

14 Q. Or the DHS interview with Mr. Campbell,
15 correct?

16 A. Correct. I mean, there were DHS
17 interviews of Mr. Campbell. But I assume you're
18 talking about for the certification process?

19 Q. In terms of the sexual abuse.

20 A. Okay. No. No. The interviews I had
21 were all about his -- the placement of the boys with
22 him and how that was going, etc.

23 There were numerous DHS interviews with
24 him, just not about that topic.

25 Q. Well, let me pause on that. When you say

1 So I assume those kinds of things were
2 happening with Mr. Evans as he wrote his records.

3 Further, there is research on recording
4 conversations versus notes of conversations, and
5 memories of conversations.

6 People remember somewhere in the
7 neighborhood of 40 to 60 percent and note 40 to 60
8 percent.

9 And so I assumed that those normal
10 factors were operating on Mr. Evans as he was
11 reporting.

12 MR. RIZZO: So, let me do this, and I
13 want to say it respectfully, I am going to move,
14 this is a legal matter, to strike your answer
15 because it's not responsive to what I asked you.

16 THE WITNESS: Oh. Okay.

17 Q. (BY MR. RIZZO:) And to get through this,
18 if I want to ask you about Mr. Evans' psychological
19 state or his source, memory, confusion, those types
20 of issues, I assure you I will do that.

21 Okay?

22 A. Okay.

23 Q. So, my question really is, you assume --
24 Let me put it this way: You relied on the
25 information written in these various narratives that

1 was prepared by Mr. Evans.

2 Right?

3 A. Correct. The reliability of that
4 information impacts my opinions.

5 Q. And so you didn't read his deposition
6 when he was questioned by the lawyers for A.F. and
7 (inaudible)?

8 (Transmission problems).

9 COURT REPORTER: Wait, wait, wait.

10 THE VIDEOGRAPHER: Was there an
11 objection, Mr. Smith?

12 MR. SMITH: No.

13 THE WITNESS: He was just getting
14 ready.

15 Q. (BY MR. RIZZO:) All right. I don't know
16 what happened there with that sort of noise,
17 vibration there.

18 A. Yeah. I wasn't sure who the "his" was.
19 You asked if I reviewed someone's deposition. Whose
20 deposition?

21 Q. Understood. Did you review Mr. -- You
22 did not review Mr. Evans' deposition.

23 Right?

24 A. I did not review Mr. Evans' deposition.

25 Q. Or the other defendants who were deposed,

1 Ms. Turner and Ms. Lemon?

2 A. No.

3 Q. Do you know who they are?

4 A. No.

5 Q. And you didn't review the deposition of
6 the CPS investigator for DHS.

7 Right?

8 A. No.

9 Q. And you didn't review A.F.'s child abuse
10 forensic interview by the Mt. Emily Assessment
11 Center.

12 Correct?

13 A. That's correct. I believe there were
14 summaries of those and reports. But I did not
15 review the video of it or any transcript of it.

16 Q. And these are things I take it you could
17 have asked to review.

18 Right?

19 A. I guess so.

20 Q. Did you review any notes or information
21 concerning CASA, C-A-S-A?

22 A. I know what CASA is. No. Court
23 Appointed Special Advocates. No. I did not review
24 any CASA notes.

25 Q. I thought you would. I just . . .

1 A. No worries.

2 Q. And would it have been possible for you
3 to examine A.F.?

4 A. Yes. If I was asked to, I would. I have
5 done that before.

6 Q. And would it have been possible for you
7 to examine E.F.?

8 A. Yes.

9 Q. Do you think that an examination would
10 have been helpful to you in forming your opinions
11 about whether they were harmed during the placement
12 with Mr. Campbell?

13 A. Definitely the more sources of
14 information you have, the more well-informed your
15 opinion is.

16 Q. Do you feel that the fact that you did
17 not examine A.F., for example, that that could
18 impact or limit the reliability or the validity of
19 your opinions about him?

20 A. Yes. Definitely.

21 Q. Did you make those limitations known
22 anywhere in your report?

23 A. No.

24 Q. Okay. So, I know you touched on this
25 earlier, but I just want to ask you a more specific

(541) 276-9491 BRIDGES EXHIBITTING & LEGAL VIDEO (800) 358-1045

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

A.F.,)	
)	
Plaintiff,	)	Case No.
)	
vs.	)	2:18-cv-01404-SI
)	
CHRISTOPHER EVANS, et al.)	
)	
Defendants.)	
)	
<hr/>		
E.F.,)	
)	
Plaintiff,	)	Case No.
)	
vs.	)	2:19-cv-01056-SI
)	
CHRISTOPHER EVANS, et al.)	
)	
Defendants.	)	Volume 2
)	
<hr/>		

VIDEOTAPED DEPOSITION OF WENDY BOURG, PH.D.

Taken at the instance of the Plaintiffs

May 4, 2022

9:07 a.m.

Via Videoconference

BRIDGES REPORTING & LEGAL VIDEO
Certified Shorthand Reporters
P. O. Box 223
Pendleton, Oregon 97801
(541) 276-9491 - (800) 358-2345

1 truthfulness and things like that.

2 Q. Who commented on A.F.'s propensity for
3 truthfulness, as you say?

4 A. Again, I don't remember. But there was
5 some notations in the DHS record that he had more of
6 a tendency to be truthful than E.F., who had a lot
7 of issues with truthfulness. But I don't remember
8 where that was exactly in the record.

9 I certainly could find it. It's probably
10 in my notes, because I believe I wrote it down in my
11 notes.

12 Q. What do you know about A.F.'s beliefs
13 about his future?

14 A. I don't know what his beliefs are
15 currently about his future.

16 Q. What is your understanding of his
17 relationship with his mother?

18 A. Currently? All I have is what was stated
19 in deposition, that it's still a troubled
20 relationship.

21 And that at least it was E.F.'s opinion
22 that he was still having hope for his mother, and
23 that was creating even more hurt for him. That E.F.
24 actually sort of resolved some of his pain by giving
25 up on their mother.

1 Do you see that?

2 A. Uh-huh. Yes, I do.

3 Q. Do you feel that you did that? Let's
4 start with in the written expert report.

5 A. Yes. Because if you look at the
6 following paragraph, "When conducting a record
7 review...forensic practitioners seek to identify the
8 sources of information on which they are basing
9 their opinions and recommendations." Which I did.

10 Q. And it says "including any substantial
11 limitations."

12 A. Yes.

13 Q. So, how did you do that?

14 A. I don't think I talked about the
15 limitations in the document.

16 For me it's always just been being
17 prepared to discuss the limitations when questioned
18 in court and being really clear about that.

19 Q. And so, again, one of the limitations, as
20 I understand it, is with not having examined A.F.,
21 or E.F., for that matter, you're not able to give an
22 opinion to a reasonable degree of medical certainty
23 about their individual psychological states.

24 Right?

25 A. That's correct.

1 STATE OF OREGON)
2 County of Umatilla) ss.
3)

4 I, William J. Bridges, do hereby certify that
5 at the time and place heretofore mentioned in the
6 caption of the foregoing matter, I was a Notary Public
7 for the State of Oregon; that at said time and place I
8 reported in stenotype all testimony adduced and
9 proceedings had in the foregoing matter; that
10 thereafter my notes were reduced to typewriting and
11 that the foregoing transcript consisting of 127
12 typewritten pages is a true and correct transcript of
13 all such testimony adduced and proceedings had and of
14 the whole thereof.

15 Witness my hand at Pendleton, Oregon, on
16 this _____ day of May, 2022.
17
18
19
20

21 _____
22 William J. Bridges
23 Notary Public of Oregon
24 My certificate expires: 10/10/22
25

EXHIBIT 20
FILED UNDER
SEAL PURSUANT
TO THE
PROTECTIVE
ORDER [ECF 253]

*A.F. v. Evans***DEPOSITIONS (Written transcript)**

7/7/2020	Bridges Reporting & Legal Videography	Invoice 31503 for Susan Lemon depo transcript	\$2,562.55
7/16/2020	Bridges Reporting & Legal Videography	Invoice 31530 for Tierra Wright depo transcript	\$998.75
8/7/2020	Bridges Reporting & Legal Videography	Invoice 31641 for Father depo transcript	\$477.60
8/7/2020	Bridges Reporting & Legal Videography	Invoice 31639 for AF depo transcript	\$316.40
8/21/2020	Bridges Reporting & Legal Videography	Invoice 31663 for Cynthia Russell depo transcript	\$1,445.00
9/23/2020	Bridges Reporting & Legal Videography	Invoice 31752 for Marilyn Jones depo transcript	\$1,445.00
9/23/2020	Bridges Reporting & Legal Videography	Invoice 31755 for Jennifer Graffunder depo transcript	\$830.00
10/21/2020	Bridges Reporting & Legal Videography	Invoice 31856 for Susan Lemon depo transcript Vol 2	\$527.50
10/21/2020	Bridges Reporting & Legal Videography	Invoice 31889 for Krista Turner depo transcript Vol 2	\$335.00
11/2/2020	Bridges Reporting & Legal Videography	Invoice 31742 for Grandfather depo transcript	\$345.00
11/17/2020	Bridges Reporting & Legal Videography	Invoice 31843 for Amy Hall depo transcript	\$1,203.75
12/17/2020	Bridges Reporting & Legal Videography	Invoice 31802 for Billy Cordero depo transcript	\$1,131.25
4/18/2022	Bridges Reporting & Legal Videography	Invoice 33964 for John Anderson depo transcript	\$1,155.65
4/28/2022	Bridges Reporting & Legal Videography	Invoice 34004 for Wendy Bourg depo transcript	\$1,529.91
5/12/2022	Bridges Reporting & Legal Videography	Invoice 34059 for Wendy Bourg depo transcript Vol 2	\$492.02
TOTAL			\$14,795.38

DEPOSITIONS (Video)

7/7/2020	Bridges Reporting & Legal Videography	Invoice 31506 for Susan Lemon video	\$1,397.50
9/23/2020	Bridges Reporting & Legal Videography	Invoice 31754 for Marilyn Jones video	\$1,360.00
9/23/2020	Bridges Reporting & Legal Videography	Invoice 31735 for Jennifer Graffunder video	\$780.00
10/12/2020	Bridges Reporting & Legal Videography	Invoice 31804 for Billy Cordero video	\$1,095.00
11/2/2020	Bridges Reporting & Legal Videography	Invoice 31532 for Tierra Wright video	\$895.74
11/2/2020	Bridges Reporting & Legal Videography	Invoice 31664 for Cynthia Russell video	\$1,141.88
11/2/2020	Bridges Reporting & Legal Videography	Invoice 31790 for Amy Hall video	\$1,035.00
11/17/2020	Bridges Reporting & Legal Videography	Invoice 31849 for Susan Lemon video Vol 2	\$572.50
4/5/2022	Bridges Reporting & Legal Videography	Invoice 33909 for John Anderson video	\$705.71
5/8/2022	Bridges Reporting & Legal Videography	Invoice 34039 for Wendy Bourg video Vol 2	\$482.13
4/28/2022	Bridges Reporting & Legal Videography	Invoice 34006 for Wendy Bourg video	\$482.13
TOTAL			\$9,947.59

DOCUMENT PRODUCTION

6/30/2020	Photocopies	BW Document Production; 3206 @ 0.10	\$320.60
7/31/2020	Photocopies	BW Document Production; 6792 @ 0.10	\$679.20
7/31/2020	Photocopies	Color Document Production; 506 @ 0.25	\$126.50
8/31/2020	Photocopies	BW Document Production; 3485 @ 0.10	\$348.50
9/11/2020	Photocopies	BW Document Production; FedEx Receipt for Printing Charges	\$84.86

9/15/2020	Photocopies	Color Document Production; Office Depot Receipt for Depo Exhibits	\$185.22
4/30/2021	Photocopies	BW Document Production; 333 @ 0.10	\$33.30
5/31/2021	Photocopies	BW Document Production; 1227 @ 0.10	\$122.70
9/30/2021	Photocopies	BW Document Production; 883 @ .10	\$88.30
10/31/2021	Photocopies	BW Document Production; 70 @ .10	\$7.00
10/31/2021	Photocopies	Color Document Production; 1 @ .25	\$0.25
12/31/2021	Photocopies	BW Document Production; 121 @ .10	\$12.10
1/31/2022	Photocopies	BW Document Production; 113 @ .10	\$11.30
1/31/2022	Photocopies	Color Document Production; 37 @ .25	\$9.25
2/28/2022	Photocopies	BW Document Production; 807 @ .10	\$80.70
2/28/2022	Photocopies	Color Document Production; 95 @ .25	\$23.75
3/31/2022	Photocopies	BW Document Production; 1405 @ .10	\$140.50
4/30/2022	Photocopies	BW Document Production; 3040 @ .10	\$304.00
6/30/2022	Photocopies	BW Document Production; 1015 @ 0.10	\$101.50
6/30/2022	Photocopies	Color Document Production; 149 @ .25	\$37.25
TOTAL			\$2,716.78

HEARING TRANSCRIPTS

1/12/2021	White Ryan	Invoice 21005 for the 10/1/20 Hearing Transcript	\$133.10
1/27/2021	White Ryan	Invoice 21013 for the 1/13/20 Hearing Transcript	\$124.10
1/28/2021	Cardmember Service	Invoice 86-20 for 7/28/20 Hearing Transcript	\$18.90
1/12/2021	Cardmember Service	Invoice 107-21 for 10/9/20 Hearing Transcript	\$36.90
6/10/2021	Jessup Jill L.	Invoice 1556 for 5/26/21 Hearing Transcript	\$113.52
TOTAL			\$426.52

INVESTIGATOR EXPENSES

2/1/2018	Kara Beus Research & Legal Investigation	Inv #AF3 for Investigator Services 02/01/18 thru 06/27/18	\$9,009.20
7/18/2018	Kara Beus Research & Legal Investigation	Inv #AF4 for Investigator Services 07/18/18 thru 12/27/18	\$6,722.50
1/23/2019	Kara Beus Research & Legal Investigation	Inv #AF5 for Investigator Services 01/23/19 thru 06/26/19	\$10,645.00
7/1/2019	Kara Beus Research & Legal Investigation	Inv #AF6 for Investigator Services 07/01/19 thru 12/30/19	\$12,570.00
1/1/2020	Kara Beus Research & Legal Investigation	Inv #AF7 for Investigator Services 01/01/20 thru 04/17/20	\$27,632.50
6/2/2022	Kara Beus Research & Legal Investigation	Inv #A8 for Investigative Services 02/28/22 thru 04/15/22	\$6,584.00
TOTAL			\$73,163.20

LITIGATION SUPPORT VENDORS

2/17/2020	Stream Line Imaging	Invoice 31665 for Burcart Depo exhibits	\$3,722.64
TOTAL			\$3,722.64

MAILINGS

6/29/2020	FedEX	Delivery services/messengers; AF Fedex to Susan Lemon	\$113.83
6/29/2020	FedEX	Delivery services/messengers; AF Fedex	\$79.71
8/17/2020	Business Card	Copy Ship and Mail Baker Receipt for Marilyn Jones depo exhibits	\$29.87
TOTAL			\$223.41

SUBPOENAS

9/23/2020	La Grande Police Department	La Grande PD Invoice for Report 00-1558	\$10.00
3/31/2022	Preferred Process Servers	Invoice 2022000506 for Service of Process of Oregon Public Defense Services	\$45.00
TOTAL			\$55.00

TRAVEL

8/17/2020	SVR	Trvl to La Grande 07/21/2020 for AF, EF, DF, Russell depos(meals)	\$51.18
8/17/2020	SVR	Trvl to La Grande 7/23/2020 (meals)	\$131.00
8/17/2020	SVR	Trvl to La Grande 7/27/2020 (meals)	\$14.96
8/17/2020	SVR	Trvl to La Grande 7/31/2020 (misc)	\$26.96
8/19/2020	SVR	Travel to Medford for Burcart Depo 546 miles round trip @0.58 02/17/20-02/19/20	\$316.68

8/19/2020	SVR	Trvl to La Grande for Dall Depo 524 miles round trip 524 @.058 10/24/20-10/26/20	\$303.92
8/19/2020	SVR	Trvl to La Grande for Evans/Turner Depos 524 miles round trip @ 0.58 03/02/20-03/05/20	\$303.92
8/31/2020	MDS	Trvl to La Grande, OR 7/19/20-7/23/20 (Hotel)	\$1,242.90
8/31/2020	MDS	Trvl to LaGrande, OR 7/19/20-7/23/20 (Meals)	\$198.43
8/31/2020	MDS	Trvl to LaGrande, OR 7/19/20-7/23/20 (Miles)	\$305.08
TOTAL			\$2,895.03

COURT FEES

8/24/2018	Business Card	Visa: 7/26/18 US District Fee to File Complaint	\$ 400.00
8/24/2018	Business Card	Visa: 7/26/18 US District Fee to File Guardian Ad Litem	\$ 400.00
TOTAL \$			800.00

DELIVERY SERVICES

8/15/2016	Mercury PDX LLC	Delivery services/messengers; Delivery Dept of Administrative Services TCN	\$ 110.19
TOTAL \$			110.19

DEPOSITIONS (Written transcript)

8/12/2019	Bridges Reporting	Invoice 30612 for Christina McGilvray Depo transcript	\$ 987.25
8/22/2019	Lesofski Court Reporting	Invoice 3501 for Milly Litchfield Depo transcript	\$ 884.00
9/24/2019	Bridges Reporting	Invoice 30696 for Pat Purvis Depo transcript	\$ 1,951.00
10/14/2019	Bridges Reporting	Invoice 30833 for Pat Purvis Depo conference call transcript	\$ 280.00
11/21/2019	Bridges Reporting	Invoice 30999 for Rick Dall Depo transcript	\$ 2,427.55
3/17/2020	Bridges Reporting	Invoice 31389 for Krista Turner Depo transcript	\$ 1,739.25
3/17/2020	Bridges Reporting	Invoice #31386 for Christopher Evans Depo transcript	\$ 1,538.75
3/19/2020	Melanie Savord	Invoice from 03/04/20 for Burcart Depo transcript	\$ 1,709.00
TOTAL \$			11,516.80

DEPOSITIONS (Video)

8/12/2019	Bridges Reporting	Invoice 30613 for Christina McGilvray depo video	\$ 670.00
9/18/2019	B&B Video	Invoice 214293 for Molly Litchfield depo video	\$ 642.50
9/24/2019	Bridges Reporting	Invoice 30701 for Pat Purvis depo video	\$ 1,370.00
11/21/2019	Bridges Reporting	Invoice 30969 for Rick Dall depo video	\$ 1,435.00
3/19/2020	Bridges Reporting	Invoice 31366 for Krista Turner depo video	\$ 898.00
3/19/2020	Bridges Reporting	Invoice 31365 for Chris Evans depo video	\$ 1,028.00
TOTAL \$			6,043.50

DOCUMENT PRODUCTION

Misc.	Photocopies	BW Document production # 1646.FITZ	\$ 3,649.40
Misc.	Photocopies	Color Document production # 1646.FITZ	\$ 2,028.75
7/31/2019	Smart Legal	Invoice 64794 for File Production	\$ 310.26
8/6/2019	Smart Legal	Invoice 34852 for Binder Copies	\$ 130.80
8/12/2019	Stream Line Imaging	Invoice 30574 for Binder Copies	\$ 536.47
12/18/2019	Microsoft	Invoice Microsoft Data Request Response Program	\$ 150.00
TOTAL \$			6,805.68

HEARING TRANSCRIPTS

4/18/2018	Atkinson-Baker Inc.	Invoice AC03839 AA for juv ct. FTR transcriptions	\$ 2,000.90
4/18/2018	Atkinson-Baker Inc.	Invoice AC0383A AA for juv ct and guardianship FTR transcriptions	\$ 3,357.20
7/31/2019	Jessup Jill L.	Invoice 1293 for Transcription of 5/14 Hearing for Discovery Conference	\$ 239.25
8/27/2019	Schmitt Reporting	Invoice 66379 for Transcript of Proceedings 7/7/14 Guardianship hearing	\$ 321.70
2/20/2020	Aufdermauer Pearce Court Rptr	Invoice 20204 for Jail recording re Father	\$ 392.50
2/20/2020	Jessup Jill L.	Invoice 1354 for Hearing Transcript of 01/16/20 Status Conference	\$ 326.25
TOTAL \$			6,637.80

INVESTIGATOR EXPENSES

5/27/2016	Kara Beus Research & Legal Investigation	Inv #AF1 05/03/16 Travel to and from Pendleton to meet with client	\$ 990.84
2/5/2018	Kara Beus Research & Legal Investigation	Inv #AF2 Investigation services 08.09.16 - 01.31.18	\$ 8,930.55

2/20/2020	Kara Beus Research & Legal Investigation	FedEx Reimbursement for AF	\$ 164.21
TOTAL			\$ 10,085.60

LITIGATION SUPPORT VENDORS

8/5/2019	City of Pullman	City of Pullman Invoice FI-20709 for room rental re McGilvary Depo	\$ 112.50
1/27/2020	Business Card	Visa: DRI Mbox converter to access emails	\$ 29.00
2/24/2020	Medford Cowork Collective	Medford Cowork Collective Invoice INV-55 for lunch 1.18	\$ 38.00
2/27/2020	Sights and Sounds Unlimited, Inc.	Invoice 10589 for Burcart Videographer	\$ 766.25
TOTAL			\$ 945.75

RECORDS REQUEST

11/1/2017	Grande Ronde Hospital	Invoice 130519 Release of Information Fee	\$ 30.00
1/16/2018	Center for Human Development	Invoice 01102018 Medical records for AF (240 pages)	\$ 22.50
1/16/2018	Center for Human Development	Invoice 01122018 Medical records for EF	\$ 22.50
1/16/2018	Grande Ronde Hospital	Invoice 010418 Medical records for EF	\$ 30.00
3/6/2018	Union County DA	Derric Campbell, F22207 criminal records	\$ 7.00
4/18/2019	La Grande Police Department	Records request re Derric Campbell	\$ 34.50
2/17/2020	Business Card	Medford Cowork Collective Inv-23 records re Burcart Depo	\$ 300.00
TOTAL			\$ 446.50

SUBPOENAS

8/13/2018	Barrister Support Service, Inc.	Invoice 2018003793 for service on Krista Turner	\$ 105.80
8/13/2018	Barrister Support Service, Inc.	Invoice 2018003794 for service on Christopher Evans	\$ 95.40
8/16/2018	Barrister Support Service, Inc.	Invoice 201803795 for Service on DHS	\$ 85.40
8/23/2018	Barrister Support Service, Inc.	Invoice 2018003982 for Service on Oregon DOJ	\$ 50.00
9/13/2018	Barrister Support Service, Inc.	Invoice 2018003796 for Service on Janie Burcart	\$ 95.40
1/17/2019	Barrister Support Service, Inc.	Invoice 2019000098 for Service on OSB	\$ 95.00
1/25/2019	Barrister Support Service, Inc.	Invoice 2019000102 for Service on Rick Dall	\$ 140.40
1/25/2019	Barrister Support Service, Inc.	Invoice 2019000101 for Service on Mt. Emily Safe Center	\$ 135.00
1/25/2019	Barrister Support Service, Inc.	Invoice 2019000100 for Service on UCDA	\$ 135.00
2/11/2019	Union County DA	Invoice 2363 for Subpoena Response	\$ 750.00
3/22/2019	Barrister Support Service, Inc.	Invoice 2019001149 for Service on McDonalds	\$ 145.00
3/22/2019	Barrister Support Service, Inc.	Invoice 2019001153 for Service on Red Cross Drug	\$ 160.00
3/22/2019	Barrister Support Service, Inc.	Invoice 2019001152 for Service on Center for Human Development	\$ 160.00
3/22/2019	Barrister Support Service, Inc.	Invoice 2019001151 for Service on NEOHA	\$ 160.00
3/22/2019	Barrister Support Service, Inc.	Invoice 2019001150 for Service on Office of Public Defense Services	\$ 145.00
3/22/2019	NEOHA	Invoice 101 for documents produced	\$ 42.50
3/27/2019	Barrister Support Service, Inc.	Invoice 2019001393 for service on Microsoft	\$ 120.00
3/27/2019	Barrister Support Service, Inc.	Invoice 2019001421 for Service on Microsoft	\$ 145.00
3/27/2019	Barrister Support Service, Inc.	Invoice 2019001392 for Service on Eastern Oregon Net	\$ 135.00
6/24/2019	Barrister Support Service, Inc.	Invoice 2019003073 for Service on Village Health Care	\$ 95.00
6/24/2019	Barrister Support Service, Inc.	Invoice 2019003074 for Service on Umpqua Bank	\$ 95.00
7/10/2019	US Cellular	Invoice 20190702013 for Reprinted Bills	\$ 285.00
7/11/2019	ABC Process Service	Invoice 3475366 for Service on Christina McGilvary	\$ 266.20
7/11/2019	Barrister Support Service, Inc.	Invoice 2019007075 for Service on Microsoft	\$ 120.00
7/11/2019	Barrister Support Service, Inc.	Invoice 2019003077 for service on McDonalds	\$ 135.00
7/11/2019	Barrister Support Service, Inc.	Invoice 2019003078 for service on Grand Ronde Hospital	\$ 135.00
7/11/2019	Barrister Support Service, Inc.	Invoice 2019003076 for service on US Cellular	\$ 120.00
7/11/2019	McDonald's	Invoice 1004 for Campbell empty records	\$ 175.00
7/31/2019	Williams Investigations	Invoice 3598217 for Service on Molly Litchfield	\$ 125.00
8/12/2019	Umpqua Bank	Invoice 19-331 for Research time re SDT	\$ 143.10
8/14/2019	Village Health Care	Invoice from 08.12.19 for Campbell medical records	\$ 22.00
9/24/2019	Barrister Support Service, Inc.	Invoice 2019003888 for Service on Microsoft	\$ 75.00
11/21/2019	US Cellular	Invoice 20191107005 for Cell records	\$ 1,165.00
11/27/2019	Barrister Support Service, Inc.	Invoice 2019005536 for Service on Google	\$ 75.00
11/27/2019	Barrister Support Service, Inc.	Invoice 2019005534 for Service on Microsoft	\$ 75.00
TOTAL			\$ 6,006.20

TRAVEL

5/18/2016	Business Card	Visa: 5/3/16 SVR/Kara Beus Trvl to La Grande (Airfare)	\$ 574.00
1/2/2018	Mary Skjelset	MDS Trvl to La Grande for witness interviews (Miles) 536 @ 0.535	\$ 286.76
1/2/2018	Mary Skjelset	MDS Trvl to La Grande for witness interviews (Meals)	\$ 121.20
7/23/2019	Mary Skjelset	MDS Trvl to Pullman, WA 7.14 - 7.15 re Depo paralegal of attorney (Rental Car)	\$ 111.02

7/23/2019	Mary Skjelset	MDS Trvl to Pullman, WA 7.14 - 7.15 to interview paralegal of attorney (Hotel)	\$ 92.39
7/23/2019	Mary Skjelset	MDS Trvl to Pullman, WA 7.14 - 7.15 to interview paralegal of attorney (Meals)	\$ 42.28
8/19/2019	Mary Skjelset	MDS Trvl to Helena, MT 8.5 - 8.6 re Depo of Molly Litchfield (Airfare)	\$ 484.00
8/19/2019	Mary Skjelset	MDS Trvl to Helena, MT 8.5 - 8.6 re Depo of Litchfield (Hotel)	\$ 117.70
8/19/2019	Mary Skjelset	MDS Trvl to Helena, MT 8.5 - 8.6 re Depo of Litchfield (Miles) 114 @ 0.58	\$ 66.12
8/19/2019	Mary Skjelset	MDS Travel to Helena, MT 8.5 - 8.6 re Depo of Litchfield (Meals)	\$ 67.69
8/19/2019	Mary Skjelset	MDS Trvl to La Grande 8.12 re interview LF (Hotel)	\$ 276.67
8/19/2019	Mary Skjelset	MDS Trvl to La Grande 8.12 re interview LF (Meals)	\$ 154.45
8/22/2019	Business Card	Visa: MDS Trvl to Spokane, WA re Depo of Chrstina McGilvray (Airfare)	\$ 512.01
8/22/2019	Business Card	Visa: FedEx Photo Reproduction	\$ 34.50
9/17/2019	Business Card	Court fees; Visa: MDS Trvl to La Grande re file inspection (Airfare)	\$ 356.00
11/18/2019	Steve Rizzo	SVR Trvl to LaGrande 10.24.19 (Miles) 524 @ 0.58	\$ 303.92
11/22/2019	Business Card	Visa: MDS Trvl to La Grande 10.24.19 (Hotel)	\$ 171.73
11/22/2019	Business Card	Visa: MDS Trvl to La Grande 10.25.19 to attend deposition (Hotel)	\$ 149.73
3/9/2020	Mary Skjelset	MDS Trvl to LaGrande 3.2 - 3.5.20 for Evans, Turner, Russell depo (Hotel)	\$ 693.56
3/9/2020	Mary Skjelset	MDS Trvl to LaGrande 3.2 - 3.5.20 for depositions (Meals)	\$ 164.77
3/31/2020	Business Card	SVR Trvl to Medford re Burcart depo 2.18.20 (Meals)	\$ 309.00
3/31/2020	Business Card	Visa: SVR Trvl to Medford for Burcart depo 2.18.20 (Hotel)	\$ 376.84
TOTAL			\$ 5,466.34

TOTAL AMOUNT OF COSTS \$ 162,810.91

EXHIBIT 22
FILED UNDER
SEAL PURSUANT
TO THE
PROTECTIVE
ORDER [ECF 253]

Steve Duin: Attorney General Ellen Rosenblum's 'special' relationship with the Markowitz firm

Updated: Aug. 26, 2014, 11:16 p.m. | Published: Aug. 26, 2014, 10:16 p.m.

Is the special litigation unit at Oregon's Department of Justice as well armed as [Markowitz, Herbold, Glade & Mehlhaf](#) to do battle in the escalating legal showdown with Oracle?

Probably not. They may also lack that certain whimsy. But this much is certain: DOJ's overmatched lawyers work a helluva lot cheaper.

And they are much less disposed to host Democratic Party fundraisers, featuring their boss, Attorney General Ellen Rosenblum.

Shortly after 5 p.m. Wednesday night, Rosenblum -- who commands 228 restless attorneys at DOJ -- will rise at the Markowitz office on the 30th floor of the Pacwest Center and ask the city's most progressive lawyers to "stand up and fight for our values" in the 2014 election.

Prosecco will flow among the "champion" sponsors who paid \$5,000 to attend. Yet no one, I suspect, will be celebrating quite like the Markowitz shareholders, now that the firm has been authorized -- heck, *deputized* -- to spend up to \$2 million to [prove Oracle Corp. guilty of racketeering](#).

That eye-popping contract is not a contingency-fee deal, the arrangement in force when the firm secured the final \$9 million of the state's tobacco settlement last September. It's another time-and-materials contract, the sort of deal, ironically, that caused Cover Oregon such problems with Oracle in the first place.

The Markowitz firm has long been considered one of Portland's premier "litigation boutiques." As its website notes, "We win with seasoned trial lawyers, client collaboration, civility, and occasionally a bit of whimsy to take the edge off."

When you bill **\$650 an hour**, as Markowitz does, a bit of whimsy is certainly called for. Attorneys at the state's ordinary law firm only receive \$159.

As Rosenblum -- then a judge on the Oregon Court of Appeals -- said of Markowitz in a 2009 profile, "He has a way of making even the driest case interesting."

And this case certainly became a lot more interesting when Rosenblum and her deputies, filing in Marion County Court, accused the software firm of fraud, false claims, breach of contract and civil racketeering in the Cover Oregon debacle.

John Kroger, Oregon's former AG, would be proud.

Now that it has Oracle's attention, the Markowitz firm is betting the software giant will be hard pressed to convince a jury that its the aggrieved party, given that it "presented the State and Cover Oregon with \$240,280,008 in false claims."

Other lawyers in town -- none of whom wanted to speak on the record -- are incredulous the state

Party	Date	Title	File Count	Bates Range	Pdf Page Count
A.F.	2018	RFP (1st) Resp to Burcart	69	000001-001350	1, 350
Amber Cortez	11/14/2017	2012.05.11.F .Discovery 146-154	3	None	53
Burcart	2/4/2020	Burcart	314	various	11,161
Burcart	9/19/2019	Burcart Hard Drive	21	Burcart_Samsung 0001-72	72
Burcart	3/2/2020	Cell records	2	None	150
Burcart	8/22/2019	Burcart	4	Burcart 1288-1307	20
Burcart	10/11/2019	Burcart	1	Burcart 1308-1314	7
Burcart	5/7/2019	Burcart file	4	Burcart 0862-865	5
Burcart	11/20/2018	Resp to RFP 4 and 5	2	Burcart 0754-861	108
Burcart	11/27/2018	Resp to RFP 6	2	Burcart 0001-753	753
Burcart	5/2/2019	EONI.2 - SDT 0001-517 (01737658x9D063)	1	EONI.2 - SDT 0001-517	517
Burcart	5/2/2019	US Cellular - SDT 0001-110	1	US Cellular - SDT 0001-110	110
Burcart	6/14/2019	Burcart Production (01776436x9D063)	1	Burcart 1128-1243	54
Burcart	6/14/2019	EONI.2 - SDT 0001-517 (01737658x9D063)	1	EONI SDT 0001-614	614
Burcart	6/14/2019	Privilege log	1	None	5
Burcart	6/19/2019	Glenn Null	1	Null SDT 0001-17	17
Burcart	7/6/2020	Post-settlement production	8	Burcart Phone Records 0001-314	314
Burcart	8/8/2019	Orignical file pics	36	none	36
Burcart	3/12/2019	Victoria Moffet (JB SDT)	4	Moffet SDT 0001-257	257
CHD	5/9/2019	CHD 05.09.19	61	PLFCHD-CONF-000001-92	92
Dean Gushwa	12/5/2019	Dean Gushwa- Privilege Log 12.05.19	1	None	4
DHS	6/3/2019	AF-PROD-VOL01	16,371	AF-PROD-0000001-016371	16,371
DHS	12/23/2019	AF-PROD VOL02	7,731	AF-PROD-0016372-23023	6,652
DHS	1/3/2020	AF-PROD-VOL03	3,030	AF-PROD-0023024-025738	2,715
DHS	1/3/2020	AF-PROD-VOL04	1,173	AF-PROD-0027067-28049	3,206
DHS	1/15/2020	AF-PROD-VOL05	201	AF-PROD-0028050-28192	863
DHS	1/23/2020	AF-PROD-VOL06	3,672	AF-PROD-0028202-30557	2,356
DHS	6/10/2020	AF-PROD-VOL07	655	AF-PROD-0030558-30878	320
DHS	8/4/2020	AF-PROD-VOL08	621	AF-PROD-0030879-31265	387
DHS	8/4/2020	AF-PROD-VOL09	129	AF-PROD-0031266-031358	93
DHS	8/13/2020	AF-PROD-VOL10	299	AF-PROD-0031359-31517	159
DHS	8/14/2020	AF-PROD-VOL11	1,140	AF-PROD-0031518-32150	633
DHS	9/4/2020	AF-PROD-VOL12	508	AF-PROD-0032151-32630	480
DHS	9/18/2020	AF-PROD-VOL13	1,340	AF-PROD-0032631-33907	1,277
DHS	11/10/2020	AF-PROD-VOL14	429	AF-PROD-0033908-34081	174

DHS	12/2/2020	AF-PROD-VOL15	48	AF-PROD-0034082-34100	19
DHS	1/28/2021	AF-PROD-VOL16	1,364	AF-PROD-0034101-34993	893
Eastern Oregon	2/11/2020	Eastern Oregon University 1 and 2	3	None	490
EONI	4/10/2019	EONI (Dall) rec'd 04.10.19	1	PLFEONI000001-4	4
FedEx	9/4/2019	Fedex	2	None	2
Gina Lee	12/21/2017	Gina Lee Criminal	5	None	1
Glenn Null	2/16/2018	Files from Glenn Null	2	None	569
Google	12/16/2019	GoogleProd 3146629	2	None	4
Grand Ronde Defenders	7/6/2019	GRD	6	GRD00001-1028	1,034
Grand Ronde Hospital	6/19/2019	Docs for SDT 06.19.19	1	None	118
Grand Ronde Hospital	11/20/2019	Docs for SDT pt 1	1	None	63
Grand Ronde Hospital	11/20/2019	Docs for SDT Pt 2	1	None	65
Grand Ronde Hospital	11/27/2019	Medical Records	1	None	106
La Grande PD	9/22/2020	00-1558 Campbell	1	None	3
McDonald's	6/28/2019	SDT Response	1	PLFMCD00001-00041	41
McGilvray	7/15/2019	Facebook Record and Text Messages	2	None	8
Microsoft	12/19/2019	Mailbox - trigonomas@hotmail.com	9	None	2
Microsoft	12/30/2019	Mailbox - trigonomas@hotmail.com	403	None	403
Moffet	3/11/2019	Garcia 5049JD-01	113	None	374
Moffet	3/11/2019	Garcia 5049JD-02	55	None	230
Mt. Emily	3/19/2019	Mt. Emily		PLFMTEMILY-CONF-00001-43	43
New Day Enterprises	11/18/2019	SDT Docs	1	PLFNDE000001-7	8
Housing Authority	3/19/2019	NE OR Housing Authority	3	PLFNEOHA00001-179	179
Northeast Oregon Housing Authority	6/25/2019	SDT Response	1	PLFNEOHA00180-530	351
Office of Public Defense Services	4/1/2019	janie.burcat.documents	2	PLFOPDS000001-518	518
Office of Public Defense Services	11/19/2019	contact data base 098, 889,	6	PLFOPDS00519-532	15
Oregon Office of Public Defense	4/1/2022	Subpoena for PDSC Documents for Dr. Wendy Bourg dated Jan 2013-Mar 2022	2	None	21
Oregon State Bar	2/7/2019	OSB_1 - OSB_793_Redacted		PLF_OSB000001 - 000793	793
Oregon State Bar	2/25/2019	OSB_794-OSB_800	2	PLF_OSB000794 - 000800	7
Oreogn State Bar	2/22/2019	Advice to R Dall	2	PLF_OSB000801-803	3
Red Cross Drug Store	3/7/2019	SDT Response	1	PLFRCD00001 - 000033	33
Rick Dall	1/23/2020	Microsoft headers for dalllaw@msn.com	1	None	27
Rick Dall	1/22/2019	Dall - to RMB re SDT Response 01.22.19	1	None	3

Rick Dall	2/28/2019	Dall to RMB re RFP # 2 02.26.19	4	None	70
Rick Dall	11/27/2019	Dall - 2018 email production	1	None	14
Rick Dall	2/24/2020	Bates 114-177	1	Bates 114-177	37
Rick Dall	3/19/2018	Rick Dall file	1	PLF_Dall00075-144	70
Robert Lee Criminal	1/17/2018	Incident Reports	22	None	60
Thomas A. Barnes Criminal	2/1/2018	Incident Reports	4	None	348
Umpqua Bank	8/19/2019	SDT Response	36	PLFUMP000001 - 000547	547
Union Co DA	2/4/2019	Discovery Pages	314	PLF_UCDA000001 - 000967	967
Union Co DA	8/28/2020	Discovery - PI Reports and Offer to Rizzo and Skjelset_ (002)	2	PLF_UCDA001076 - 001077	2
Union Co Jail	7/23/2020	Derric Campbell	1	PLFUCJ000001 - 000037	37
Union Co Juvenile Sept	9/18/2020	doc06224620200909095841 (002)	1	UJDPLF000001	1
US Cellular	12/10/2019	Second SDT	7	PLFUSC000116 - 000446	331
US Cellular	8/21/2019	240106-BILL1 and BILL2	2	PLFUSC000001 - 000115	115
Village Health Care	8/12/2019	RMB C Evans Case rec'd 08.12.19 bates	1	PLFVHC000001 - 000012	12
			File Count Total		Pdf Page Count Total
			40,277		59,076

Date	Deponent	Time	Transcript Page Count	Exhibits Marked
7/15/2019	Christina McGilvray	11:09am-2:54pm	119	9
8/3/2019	Patricia Purvis	10:05am-6:51pm	221	25
10/25/2019	Rick Dall	9:15am-6:01pm	352	26
2/18/2020	Janie Burcart	9:07am-5:45pm	289	111
3/3/2020	Christopher Evans	9:10am-6:19pm	208	17
3/4/2020	Krista Turner	9:00am-5:52pm	289	13
6/17/2020	Susan Lemon	9:02am-5:37pm	232	9
6/24/2020	Tierra Wright-Simons	9:38am-2:13pm	136	4
7/7/2020	Brenda Leavitt	9:00am-2:16pm	196	7
7/20/2020	D F	9:03am-2:52pm	41	0
7/21/2020	E.F.	9:00am-1:40pm	135	0
7/22/2020	A.F.	9am-12:30pm	104	0
7/24/2020	Cynthia Russell	12:45pm-7:45pm	237	11
8/18/2020	Marilyn Jones	9:03am-4:51pm	252	10
8/21/2020	J F	1:30pm-4:30pm	29	0
9/5/2020	Billy Cordero	12:38pm-6:02pm	183	11
9/8/2020	Jennifer Graffunder	1:13pm-5:05pm	35	5
9/15/2020	Amy Hall	9:04am-3:02pm	48	8
9/23/2020	Susan Lemon	2:36pm-5:37pm	64	5
10/2/2020	Krista Turner	2:00pm-3:45pm	71	5
10/6/2020	Molly Litchfield	10:04am-2:49pm	134	9
11/3/2020	Krista Turner	11:03am-12pm	41	2
4/1/2022	John Anderson	10am-2:30pm	128	13
4/22/2022	Wendy Bourg, PhD	2:08pm-5:01pm	134	21
5/4/2022	Wendy Bourg, PhD	9:07am-11:56am	128	23

	Date	Party	Brief Description of Items Sought
1	10/9/2018	LaGrande Police Department	All police reports, photographs, witness statements, interviews, mugshots, documents, recordings of any grand jury proceedings, testimony, statements and call logs pertaining in any way to Derric Anthony Campbell Communications between and among La Grande Police Department and any DHS, Union County District Attorneys Office, any medical provider, Mt. Emily Safe Center, CASA, Janie Burcart pertaining in any way to Plaintiffs
2	10/9/2018	Office of Public Defense Services	All documents, records, intra-departmental communications, contacts, correspondence, and exchanges of information pertaining in any way to: •Derric Anthony Campbell (DOB 06/12/1986) •Plaintiff A.F. •Janie Burcart's representation of clients
3	12/1/2018	Oregon State Bar	Any and all documents, communications, correspondence, and materials related to: •any complaints or concerns involving the conduct of former attorney Janie M. Burcart (OSB No. 822087) •the conduct of Rick Dall (OSB No. 922728) •Communications re: Plaintiff A.F. •Minimum Continuing Legal Education reporting requirements for Burcart for the years 2000 to present.
4	12/19/2018	Rick Dall	CV, resume and list of qualifications and experience, publications authored, CLE history, practice advertisements, types of case management software, record retention policies Case files for representation of A.F./E.F., Derric Campbell and Thomas Barnes, reports created in preparation for Complaint, document production by DHS and other parties, billing records, time entries, costs and expenses Communications with DHS, calendar of meeting regarding represented clients

5	12/20/2018	Oregon State Bar	<p>Documents, correspondence, photos, videos, transcripts, complaints or concerns, continuing education records regarding Janie Burcart and Rick Dall</p> <p>Documents and/or communications related to Plaintiff A.F.</p>
6	12/20/2018	Mt. Emily Safe Center	<p>All documents, communications, correspondence, and materials related to: Oregon Department of Human Services agent(s), Union County Child Abuse Multidisciplinary Team (MDT), Sexual Assault Response Team (SART), Any medical provider, Biological parents, guardian or relatives, law enforcement</p> <p>Medical, counseling records, child abuse assessments, and files (including audio/video) regarding examinations and/or child abuse evaluations performed on Plaintiff A.F and/or E.F.</p>
7	1/7/2019	Mt. Emily Safe Center	<p>All communications, contacts and correspondence between and among any Mt. Emily Safe Center clinician, counselor, examiner, physician and/or other agent/employee and:</p> <p>any Oregon Department of Human Services agent(s), any medical provider, law enforcement, Union County Child Abuse Multidisciplinary Team (MDT) and Sexual Assault Response Team (SART)</p> <p>All medical and/or counseling records and files (including audio/video, and information reviewed) regarding examinations and/or child abuse evaluations, child abuse assessments, recommendations regarding Plaintiffs</p>
8	1/7/2019	Rick Dall	<p>Any and all documents produced or made available for inspection by DHS in response to the request for disclosure dated April 2, 2014 pertaining in any way to Plaintiffs</p> <p>All communications, contacts and correspondence (including but not limited to phone messages) related to all Plaintiffs exchanged with: Janie Burcart, Union County District Attorney's Office, DHS, CASA, and Oregon Department of Justice</p> <p>All billing records pertaining in any way to the representation of Plaintiffs</p>

9	1/7/2019	Union County District Attorney	<p>All documents relating to any charges, referral for prosecution or prosecution of Robert Wayne Lee (DOB: 01/19/1966) Gina Marie Lee, fka Campbell, (DOB: 05/10/1963), Derric Anthony Campbell (DOB 06/12/1986), and Thomas Eugene Barnes, (DOB: 12/14/1963) including police reports, photographic evidence, referring documents, charging documents, legal filings, and witness interviews and statements.</p> <p>All documents relating to the death of above-referenced Derric Campbell including audio, photographic and/or videographic evidence of any statements or interviews, 911 calls, crime scene pictures, police reports, investigations and medical examiner contacts and reports.</p> <p>All documents relating to communications, contacts and correspondence with or between: any biological parent, foster parent, guardian, or relative of A.F. and/or E.F., Janie M. Burcart and Rick Dall, any prosecutors, Oregon DHS, La Grande Police Department, Mt. Emily Safe Center, Center for Human Development, and/or Grande Ronde Hospital</p> <p>The complete and unredacted personnel file of Janie M. Burcart.</p> <p>All documents relating to the provision of victim's assistance regarding A.F. and/or E.F.</p> <p>All documents created, referenced, or reviewed by the Union County multi-disciplinary team in connection with A.F. and/or Derric Campbell.</p>
10	1/7/2019	Oregon State Bar	<p>Any and all documents, communications, correspondence, and materials related to:</p> <ul style="list-style-type: none"> •any complaints or concerns involving the conduct of former attorney Janie M. Burcart (OSB No. 822087) •the conduct of Rick Dall (OSB No. 922728) •Communications re: Plaintiff A.F. •Minimum Continuing Legal Education reporting requirements for Burcart for the years 2000 to present.
11	3/1/2019	Center for Human Development	<p>All counseling records for Derric Anthony Campbell (DOB 06/12/1986), Gina Marie Lee aka Campbell (DOB 5/10/1963), Plaintiff A.F. and/or E.F</p> <p>All communications with DHS, Janie Burcart, Rick Dall or law enforcement</p>

12	3/1/2019	NE OR Housing Authority	<p>All reports, call logs and correspondence (including but not limited to emails, messages and notes) pertaining in any way to Derric Anthony Campbell (DOB 06/12/1986) and email address: Trigon1omas@gmail.com.</p> <p>All communications between Northeast Oregon Housing Authority and Janie Burcart, Department of Human Services, pertaining in any way to Derric Anthony Campbell (DOB 6/12/1986), Plaintiff A.F. and/or E.F</p>
13	3/1/2019	OPDS	<p>All documents and exchanges of information pertaining in any way to Derric Anthony Campbell (DOB 06/12/1986) and Plaintiff A.F.</p> <p>All employment records and exchanges of information pertaining in any way to concerns and/or complaints regarding Janie Burcart's representation of clients.</p>
14	3/1/2019	McDonalds	Personnel file, payroll records, communications with DHS, law enforcement, and district attorney regarding Derric Anthony Campbell (DOB: 06/12/1986)
15	3/1/2019	Red Cross Drug Store	All medical and/or pharmaceutical records and communications with DHS for Derric Anthony Campbell (DOB: 06/12/1986)
16	3/1/2019	Office of Public Defense Services	<p>All model contract terms relating to qualification standards for court appointed counsel from 2010 to 2017, practice and performance standards relating to the provision of legal services on behalf of juveniles in dependency matters from 2006 through 2017, documents that show the number of cases assigned to contracting juvenile attorneys in Union County from 2011 through 2016</p> <p>Certificates of attorney qualifications on record, contracts and contract proposals submitted for District 10 from 2010 to 2017, subcontracts submitted and/or signed from 2010 to 2014, complaints, case assignments and/or caseload from 2011 through 2014 regarding Janie Burcart</p>

17	3/1/2019	NE OR Housing Authority	Any and all of the following pertaining in any way to Derric Campbell, Plaintiff A.F.: Application materials submitted and reviewed for subsidized and/or low-income housing from 2010 to 2016 Communications, correspondence or phone calls between NEOHA and DHS, Janie Burcart, Rick Dall or law enforcement
18	3/1/2019	McDonald's La Grande	Personnel file, payroll records, communications with DHS, law enforcement, and district attorney regarding Derric Anthony Campbell (DOB: 06/12/1986)
19	3/14/2019	Microsoft Corporation	All e-mail communications and data from the account of dallaw@msn.com from March 1, 2014 to January 15, 2019 that indicate one or more of the terms: (i) Derric Campbell, (ii) AF or A.F. (iii) E.F. or EF, (iv) F. housing update, (v) D.F., (vi) J.F., (vii) Papa J and/or Papa John, (viii) F.B. (ix) Rick Dall, (x) J Glen Null or Glen Null, (xi) CASA, (xii) Bill or William Canavan, (xiii) Victoria Moffet, (xiv) Amy Hall, (xv) Cynthia Russell, (xvi) Chris Black, (xvii) Chris or Christopher Evans, (xviii) Bill Miller, (xix) certification, (xx) John Schilling, (xxi) Christina McGilvray, (xxii) A.G., (xxiii) Russ West, (xxiv) Di Lyn Larsen-Hill, (xxv) Northeast Oregon Housing Authority, (xxvi) Cynthia Russell; (xxvii) Mike Mattingly; (xxviii) Mary Skjelset; (xxix) Steven Rizzo; (xxx) Nikola Jones and/or njones; (xxxi) Katie Eichner and/or Keichner; (xxxii), Olivia Carson and/or Ocarson; (xxxiii) Amber Hollister.

20	3/14/2019	Eastern Oregon Net, Inc. (EONI)	All e-mail communications and data from the account of pap@eoni.com, rickdall@eoni.com from March 1, 2014 to January 15, 2019 that indicate one or more of the terms listed in the accompanying, confidential correspondence and: (i) Derric Campbell, (ii) AF or A.F. (iii) E.F. or EF, (iv) F. housing update, (v) D.F., (vi) J.F., (vii) Papa J and/or Papa John, (viii) F.B. (ix) Rick Dall, (x) J Glen Null or Glen Null, (xi) CASA, (xii) Bill or William Canavan, (xiii) Victoria Moffet, (xiv) Amy Hall, (xv) Cynthia Russell, (xvi) Chris Black, (xvii) Chris or Christopher Evans, (xviii) Bill Miller, (xix) certification, (xx) John Schilling, (xxi) Christina McGilvray, (xxii) A.G., (xxiii) Russ West, (xxiv) Di Lyn Larsen-Hill, (xxv) Northeast Oregon Housing Authority, (xxvi) Cynthia Russell; (xxvii) Mike Mattingly; (xxviii) Mary Skjelset; (xxix) Steven Rizzo; (xxx) Nikola Jones and/or njones; (xxxi) Katie Eichner and/or KEichner; (xxxii), Olivia Carson and/or Ocarson; (xxxiii) Amber Hollister.
21	3/15/2019	Microsoft Coporation	Amended- All e-mail communications and data from the account of dallaw@msn.com from March 1, 2014 to January 15, 2019 that indicate one or more of the terms: (i) Derric Campbell, (ii) AF or A.F. (iii) E.F. or EF, (iv) Fitz boys, (v) D.F., (vi) J.F., (vii) Janie Burcart, (viii) Christopher Evans (ix) Nikola Jones, Nikki Jones, or njones, (x) Katie Eichner or Keichner
22	3/15/2019	Eastern Oregon Net, Inc. (EONI)	Amended- All e-mail communications and data from the account of pap@eoni.com, rickdall@eoni.com from March 1, 2014 to January 15, 2019 that indicate one or more of the terms listed in the accompanying, confidential correspondence and: (i) Derric Campbell, (ii) AF or A.F. (iii) E.F. or EF, (iv) boys, (v) D.F., (vi) J.F., (vii) Janie Burcart, (viii) Christopher Evans (ix) Nikola Jones, Nikki Jones, or njones, (x) Katie Eichner or Keichner

23	3/29/2019	Grand Ronde Defenders	<p>The Articles and By-Laws, of all GRD Contractors (attorneys) from April 2011 through April 2014</p> <p>All contracts/agreements, complete personnel file including performance reviews, time records, malpractice policies, reports, tenders of defense from PLF, list of all legal matters regarding Janie Burcart</p> <p>All communications with the accounts of jburcart@eoni.com, burcartasst@eoni.com, from April 1, 2011 to December 31, 2014 pertaining in any way to Union County Circuit Court Case No. 5049 JD and Case No. 505JD.</p>
24	4/17/2019	Eastern Oregon Net, Inc.	<p>All e-mail communications to/from the account of jburcart@eoni.com from April 1, 2014 to the present that indicate one or more of the following terms: Northeast Oregon Housing Authority, Di Lyn Larsen-Hill, Rick Dall, Christina or Christina McGilvray.</p> <p>All e-mail communications between the account of jburcart@eoni.com and the following e-mail accounts pap@eoni.com, rickdall@eoni.com, dallaw@msn.com, and dlarsenhill@gmail.com.</p>
25	6/17/2019	Christina McGilvray	All communications with Janie Burcart pertaining to subject case, the following persons: A.F., E.F., Derric Campbell, D.F., J.F., L.F., Rick Dall, Nikola or Nikki Jones, Katie Eichner, Olivia Carson, Alice Newlin, Patrick Figenbaum, and/or Gregory Larson
26	6/19/2019	US Cellular	A true and accurate copy of the cell phone records for Derric Anthony Campbell (DOB: 06/12/1986) for the following phone number: (541) 910-0603.
27	6/19/2019	Village Health Care	The complete medical record, communications, releases of information, documents exchanged with DHS, Janie Burcart, CHD, and/or law enforcement regarding of Derric Anthony Campbell and/or plaintiffs.
28	6/19/2019	Umpqua Bank	All records of open, or closed, checking, savings, or other deposit accounts in the name of Derric Anthony Campbell including: Bank statements, Canceled checks, Deposit tickets, Items deposited, Credit and debit memos, Form 1099, 1089, or back-up withholding documents, freeze, garnishment, bankruptcy and/or notice of bankruptcy, applications for credit, credits reports, correspondence, communications with DHS, releases of information pertaining to Derric Anthony Campbell

29	6/19/2019	Microsoft Corporation	<p>Revised- All e-mail communications and data from the account of dallaw@msn.com from March 1, 2014 to January 15, 2019 that indicate one or more of the terms:</p> <p>(i) Derric Campbell, (ii) AF or A.F. (iii) E.F. or EF, (iv) F. housing update, (v) D.F., (vi) J.F., (vii) Papa J and/or Papa John, (viii) F.B. (ix) Rick Dall, (x) J Glen Null or Glen Null, (xi) CASA, (xii) Bill or William Canavan, (xiii) Victoria Moffet, (xiv) Amy Hall, (xv) Cynthia Russell, (xvi) Chris Black, (xvii) Chris or Christopher Evans, (xviii) Bill Miller, (xix) certification, (xx) John Schilling, (xxi) Christina McGilvray, (xxii) A.G., (xxiii) Russ West, (xxiv) Di Lyn Larsen-Hill, (xxv) Northeast Oregon Housing Authority, (xxvi) Cynthia Russell; (xxvii) Mike Mattingly; (xxviii) Mary Skjelset; (xxix) Steven Rizzo; (xxx) Nikola Jones and/or njones; (xxxi) Katie Eichner and/or Keichner; (xxxii), Olivia Carson and/or Ocarson; (xxxiii) Amber Hollister</p>
30	6/19/2019	McDonald's La Grande	Personnel file, payroll records, communications with DHS, law enforcement, and district attorney regarding Derric Anthony Campbell (DOB: 06/12/1986)
31	6/19/2019	Grand Ronde Hospital	Medical records, photos, videos, communications, correspondence with DHS, documents exchanged with Janie Burcart, CHD, and/or law enforcement regarding Derric Anthony Campbell and Plaintiffs
32	6/26/2019	Christina McGilvray	All communications with Janie Burcart pertaining to subject case, the following persons: A.F., E.F., Derric Campbell, D.F., J.F., L.F., Rick Dall, Nikola or Nikki Jones, Katie Eichner, Olivia Carson, Alice Newlin, Patrick Figenbaum, and/or Gregory Larson
33	7/25/2019	Village Health Care of Corvallis	The complete medical record, communications, releases of information, documents exchanged with DHS, Janie Burcart, CHD, and/or law enforcement regarding of Derric Anthony Campbell and/or plaintiffs.
34	7/25/2019	Molly Litchfield	<p>All communications with Janie Burcart, Christina McGilvray, Rick Dall, Nikola or Nikki Jones, Katie Eichner, Olivia Carson, Alice Newlin, Patrick Figenbaum, Gregory Larson and/or any other representative or agent of Lindsay Hart, LLP</p> <p>Any communications with Janie Burcart pertaining to any one or more of the following persons: A.F., E.F., Derric Campbell, D.F., J.F., L.F.</p>
35	8/8/2019	Microsoft Corporation	All e-mail communications between the accounts of dalllaw@msn.com and jburcart@eoni.com for specific dates and search terms

36	8/12/2019	The Copy Club	All records that identify the person(s) that sent any correspondence/package to Janie Burcart, several addresses, tracking and shipping labels
37	8/12/2019	FedEx	All Fed Ex account numbers for Janie M. Burcart and Rick Dall All shipping labels and tracking forms regarding deliveries between Janie Burcart and any of the following: Victoria Moffet, middle initial K., and/or Stacy Kringlen, Rick Dall and/or Pat Purvis
38	8/27/2019	Smart Legal	All communications between and Lindsay Hart, LLP and/or Nikola Jones, Katie Eichner, Courtney DeKrey, Patrick Fiegenbaum and/or Olivia Carson, A.F., Janie Burcart, Rick Dall, Grande Ronde Defenders ("GRD"), and/or Pat Purvis, River City Media Copies of every box(es), CD(s), document(s), file(s), folder(s), jacket(s), and/or other paper(s) copied, digitized and/or scanned regarding A.F. (a child), Janie Burcart, Rick Dall, GRD, Pat Purvis, and/or Lindsay Hart personnel
39	8/27/2019	River City Media	All communications, photographs and evidence of any box or documents regarding Lindsay Hart and/or Nikola Jones, Katie Eichner, Courtney DeKrey, Patrick Fiegenbaum and/or Olivia Carson, LLP, A.F., Janie Burcart, Rick Dall, Grand Ronde Defenders
40	8/27/2019	Mara Fregoso	All communications (including electronically stored) with Janie Burcart regarding Derric Anthony Campbell (DOB: 06/12/1986), and/or A.G., D.F., J.F., A.F. and E.F.
41	11/1/2019	Office of Public Defense Services	All responses to the statewide public defense performance surveys, evaluations, communications, complaints, indicia of efforts, that relate to Grande Ronde Defenders, Kent Anderson, Jared Boyd, Janie Burcart, Rick Dall, Victoria Moffet, and Tom Powers, Union/Wallowa Indigent Defenders Consortium, Inc.
42	11/1/2019	New Day Enterprises	Copies of any application materials, personnel file, payroll, communications with DHS or law enforcement for former employee, Derric Anthony Campbell
43	11/1/2019	Mary Melton PI	Communications, notes, ESI, and documents exchanged among and between Janie Burcart, Victoria Moffet, Rick regarding Derric Anthony Campbell and/or A.G., D.F., J.F., A.F. and E.F.

44	11/1/2019	Hon. Thomas Powers/Union County Circuit Court	All communications, correspondence, reports, exchanged with Janie Burcart, Victoria Moffet and/or Rick Dall regarding Derric Anthony Campbell and/or A.G., D.F., J.F., A.F. and E.F.
45	11/1/2019	Dean Gushwa	All communications, documents, information exchanged between and among Janie Burcart, Victoria Moffet, and Rick Dall regarding Derric Anthony Campbell, and/or A.G., D.F., J.F., A.F. and E.F.
46	11/5/2019	US Cellular	All cell phone records for Derric Anthony Campbell from January 1, 2011 to present, including the time, date, duration, and number of all calls and text messaging communications for the following phone number: (541) 910-8600
47	11/5/2019	Hon. Thomas Powers/Union County Circuit Court	Amended- All communications, correspondence, reports, ESI, statements exchanged with Janie Burcart, Victoria Moffet and/or Rick Dall regarding Derric Anthony Campbell and/or A.G., D.F., J.F., A.F. and E.F.
48	11/18/2019	Microsoft Corporation	All header information for communications in the e-mail account of dalllaw@msn.com
49	11/18/2019	Google, Inc.	All header information (i.e. "to," "from," "date" and "time") for communications in the e-mail account of trigon1omas@gmail.com.
50	11/20/2019	Grand Ronde Hospital and Clinics	The complete clinical record, treatment, photos, communications, ROI, and documents exchanged with DHS, CHD, Janie Burcart, or law enforcement regarding Derric Anthony Campbell, Plaintiff A.F. and/or E.
51	1/8/2020	Google, Inc.	All header information for communications in the e-mail account of campbe5@eou.edu.
52	1/28/2020	Eastern Oregon University	All header information for communications in the e-mail account of campbe5@eou.edu.

53	7/6/2020	Union County Jail	<p>All logs and/or records that identify all persons, including professionals, who met with, and/or visited inmate Derric Campbell between April 21, 2016 and June 18, 2016 including respective dates and times.</p> <p>Logs, lists, recordings, videos, audio, and/or records that indicate the date(s) and time(s) of all telephone calls made/received by inmate Derric Campbell between April 21, 2016 and June 18, 2016.</p> <p>All letters, cards, notes written by or on behalf of inmate Derric Campbell between April 21, 2016 and June 18, 2016, including but not limited to prisoner file, letters, drawings, and/or notes.</p> <p>Any and all physical and mental health assessments, evaluations, records and/or tests regarding inmate Derric Campbell</p>
54	7/6/2020	Union County Circuit Court	<p>All records relating to any referral to the Union County Juvenile Department regarding Derric Campbell</p> <p>All records relating to any juvenile delinquency adjudication Campbell, including Police reports; delinquency petitions, motions, dispositions, etc.; Probation and/or Juvenile Department records and/or reports; DHS records and/or reports; and mental health records and/or evaluations, risk assessments, etc.</p> <p>All communications relating to any Juvenile Department referral or Juvenile Court adjudication of Derric Campbell including but not limited to email communications with DHS and third party providers.</p>
55	7/13/2020	Oregon Department of Justice	<p>Personnel file of former DOJ attorney Amy Hall; All communications sent or received by DOJ regarding Derric Campbell, Plaintiffs A.F. and/or E.F., their biological father, D.F., their paternal grandfather, J.F., foster care certification of either Campbell or J.F., the underlying dependency proceedings regarding A.F. and/or E.F., the 2016 CPS assessment of Derric Campbell and the collateral CPS assessment regarding D.F.'s domestic partner, A.S., the criminal prosecution of Derric Campbell, and/or the suicide of Derric Campbell from April 2011 – July 2018; communications regarding same</p>

56	9/3/2020	Union County Juvenile Department	All communications, including any attachments thereto, between and among DHS personnel, DHS representatives, the DOJ and Amy Hall that relate to the current lawsuit. This request for communications is limited to those that occurred prior to the date on which DOJ determined that it would represent Ms. Hall for purposes of her deposition, including any Request for Individual Defense forms.
57	9/3/2020	Umatilla County Youth Services	All information relating to any arrest and/or referral record, juvenile court petitions, records, adjudication, referrals for Derric Campbell
58	9/17/2020	La Grande Police Department	Any report relating to the arrest or citation of Derric A. Campbell on or about 10/11/2000
59	3/28/2022	Public Defense Services Commission	All documents showing any payments, reimbursements to Dr. Wendy J. Bourg expert witness consultation, review, services, testimony and/or expenses regarding criminal and/or juvenile delinquency cases

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

A.F.

Plaintiff,

v.

CHRISTOPHER EVANS, *et. al.*

Defendants.

CASE NO. 2:18-CV-01404-SI

CERTIFICATE OF SERVICE

I am employed by the law firm of Rizzo Mattingly Bosworth PC in Portland, Oregon. I am over the age of eighteen years and not a party to the subject cause. My business address is 1300 SW Sixth Avenue, Suite 330, Portland, OR 97201.

On the date below, I caused to be served on all parties in this action by transmitting a true copy thereof:

- **DECLARATION OF STEVEN RIZZO IN SUPPORT OF A.F.'S MOTION FOR ATTORNEY'S FEES AND COSTS**

VIA ECF

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Jill Schneider
Senior Assistant Attorney General
Oregon Department of Justice
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Of Attorneys for E.F.

Dated this 18th day of August, 2022.

s/Cheridan Carr
Cheridan Carr, Paralegal